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Democratic party. National committee. 1864-68

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MR. LINCOLN'S ARBITRARY ARRESTS.

The Acts which the Baltimore Platform Approves.

THE Baltimore platform, on which Abraham Lincoln is presented to the people as a candidate for their election to the Presidency, approves all that he has done, specifically commending all his course.

If elected on that platform, he will regard it as a distinct verdict of the people in his favor, and will perpetuate his course as part of the American system of government. He will continue the same acts, will govern the country with the same autocratic will, and for years to come the constitutional guaranties of life, liberty, and property by which alone AMERICAN LIBERTY exists, will be disregarded and trampled under foot.

What are the acts which Abraham Lincoln has done, and which his party, by their Baltimore platform, propose to perpetuate in this country?

When the war began, the people of the North rose as one man to the defence of their constitution. There was no shadow of excuse for considering the North, or any one State in the North, as disloyal. On the contrary, Democrats and Republicans in every State poured out their money by millions and sent their men by crowds to the support of the flag. Yet, in the very beginning of the contest, the will of Abraham Lincoln was made the only law of the citizens' liberty, and a system of arbitrary and despotic seizure and imprisonment was inaugurated, which has continued up to the present month of September, 1864.

A calm review of the facts would astound every reader. Before the close of 1861 the name of American had become a scoff instead of an honor in all Europe. The people of Austria and Russia heard with indignant astonishment of a system of tyranny in existence in America which rivalled all their own memories of the worst of their monarchs. While liberty was advancing with gigantic strides in other parts of the world, she veiled her face and left the Western continent. But not forever! God grant not forever! Four years of such oppression and wrong have been enough for a people educated in 1776, and blessed as we have been from that time to 1860.

True, there was civil war and rebellion in the land. But it is equally true that the violation of constitution and law by Southern rebellion was no excuse for the violation by Northern authority. Law makers ought never to be law breakers. If Mr. Lincoln had guarded constitution and law, exhibiting to rebels and to the world the grandeur of a free people observing their own laws while they exacted obedience from others; if he had offered to the rebels in arms the firm, unsullied strength of the Constitution as the measure of their duty and his requirements, we might have expected to see them turn to it with longing, after a vain experiment of war. Instead of that, he crushed down the North to obedience of his own will, and then demanded of the South submission to the same will, enunciated in autocratic proclamations. Read the simple words of the AMERICAN CONSTITUTION:

[From the Amendments.]

ARTICLE THE FOURTH. *The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation,* and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE THE FIFTH. No person shall be held to answer for a capital, or otherwise infamous crime, *unless on a presentment or indictment of a grand jury,* except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be com-

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pelled in any criminal case to be a witness against himself, *nor be deprived of life, liberty, or property without due process of law;* nor shall *private property* be taken for public use, without just compensation.

ARTICLE THE SIXTH. In all criminal prosecutions, the accused shall enjoy the right *to a speedy and public trial, by an impartial jury* of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and *to be informed of the nature and cause of the accusation*; *to be confronted with the witnesses against him;* to have compulsory process for obtaining witnesses in his favor, and *to have the assistance of counsel* for his defence.

ARTICLE THE EIGHT. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

And now read a brief sketch of some of the acts of Abraham Lincoln. We say brief, for a library of volumes would be necessary to describe all the cases. We have preserved with great care all accounts which came under our notice; and we have lying before us as we write (now in the hands of the Democratic campaign committee) particulars of more than one thousand cases, and brief mention, without particulars, of more cases than we could count without long labor, of arbitrary seizures and imprisonment of free citizens:

From a careful record made up from Townsend's Cyclopædia of the Rebellion—a work, containing, in some fifty volumes, a very full history of every event in the war—the following was compiled for the *N. Y. Mercury:*

Daniel Fish and Doctor Sabet, both of New York, were the first men arrested in the North by the order of the State Department, April 24, 1861, immediately after the fall of Fort Sumter. Up to November 30, 1861, a little more than seven months, 351 persons had been arrested and incarcerated by order of Mr. Seward, whose names are known and registered in *Townsend's Encyclopedia of the Great Rebellion.* In the same time, 150 are known to have been arrested at the instance of the same department, whose names have not been retained. Probably we shall never know the number of arrests made in the last three years. The record, if published, would be staggering. No usurpation in the history of the world would exhibit such astounding statistics. In several places of Mr. Townsend's book long lists of names of persons released appear. In many cases upward of a hundred names being transcribed at once—and the names of none of these were ever published when arrested. Hence they must have been spirited away, locked up without any trial whatever, and their friends probably knew nothing of their whereabouts, until, by one of Mr. Seward's arbitrary bulletins, they appeared out of jail. There cannot have been less than ten thousand State prisoners made by order of Lincoln and Seward since the opening of hostilities, and the number is probably more nearly three times that figure. How many of these ten thousand have had hearings? With the privilege of the *habeas corpus* set aside, with the judges overawed by the marshals or the soldiery, with Mr. Seward's "little bell," standing at his right hand to incarcerate some wretched being at every touch, how many men have gone into dungeons for a spite, a whim, or a lie? Has General Stone ever had a trial? He is now battling for the Union; but they have never taken the stigma of a long imprisonment from his name.

Great numbers of females appear among the incarcerated. In many cases there seems to have been no ground for the arrest, but an anonymous letter, some private gossip, or the allegation of a single office holder, whose severe ideas of loyalty would probably consign any political opponent to the penitentiary.

This record does not include many cases in our own collections. Great secrecy was observed by the Administration, and it was not easy to procure information.

All these seizures, in each and every instance, were made by order of Abraham Lincoln, without warrant, accusation, or authority of law, in the peaceful States of the North. In no one instance of all these has a man been brought to trial in any court. In no one instance has an accusation been filed, or an indictment obtained.

The writ of HABEAS CORPUS was first violated, and obedience to it refused, by Mr. Lincoln, in the case of JOHN MERRYMAN, in 1861. Mr. Lincoln had no color of authority for this at that time. His own party admitted his usurpation long afterward, and after hundreds of like cases had occurred, by passing an act of Congress (*ex post facto*) to save him from the consequences of his arbitrary use of power. The Merryman case brought out a decision from the venerable Judge TANEY, Chief Justice of the Supreme Court of the United States, a loyal man of the best days of the Republic. Judge TANEY, boldly, and with a majesty that will long be remembered in history, announced his views as follows, from the bench:

I ordered the attachment yesterday, because upon the face of the return the detention of the prisoner was unlawful, upon two grounds:

First—The President, under the Constitution and laws of the United States, cannot suspend the privilege of the writ of *habeas corpus*, nor authorize any military officer to do so.

Second—A military officer has no right to arrest and detain a person, nor subject him to the rules and articles of war for an offence against the laws of the United States, except in aid of the judicial authority and subject to its control, and if the party is arrested by the military, it is the duty of the officer to deliver him over immediately to the civil authority, to be dealt with according to law.

I forbore yesterday to state orally the provisions of the Constitution of the United States, which make these principles the fundamental law of the Union, because an oral statement might be misunderstood in some portions of it, and I shall therefore put my opinion in writing, and file it in the office of the Clerk of the Circuit Court, in the course of this week.

The Judge added that the military authority was always subordinate to civil; that, under ordinary circumstances, it would be the duty of the Marshal to proceed with *posse comitatus*, and bring the party named in the writ into court: but from the

notoriously superior force that he would encounter this would be impossible. He said the Marshal had done all in his power to discharge his duty.

During the week he should prepare his opinion in the premises, and forward it to the President, calling upon him to perform his constitutional duty, and see that the laws be faithfully executed, and enforce the decrees of this court.

The radical press at once attacked this noble old judge with torrents of abuse. They called him traitor in every radical newspaper in the land. The court was vilified. The intent of the party to make their one-man law superior to Constitution and right, was then confessed. They determined to crush the Supreme Court. They declared its authority inferior to Mr. Lincoln's military power. The *N. Y. Tribune*, on the 1st June, 1861, thus ridiculed the writ of *habeas corpus*, and threatened with vengeance the defenders of that noble writ of personal liberty:

The thin varnish of extemporized and lukewarm patriotism, with which two or three of our city cotemporaries attempt to conceal their chronic sympathy with treason and rebellion, is easily seen through by loyal eyes. Let them not flatter themselves that anybody who knows them doubts for a moment that they are as much friends of the Southern rebels now, as they were five, yea, even three months ago—only the North having risen almost as one man to save the republic from utter wreck, those admirers of Davis, Hunter, Toombs, Mason & Co., dare not so openly exhibit it now as then.

Among the most insidious of these sympathizers is *The Journal of Commerce*. It seems to be the special champion of Judge Taney and the writ of *habeas corpus*. It is evident that it does not understand the character and objects of either of them. We pass over the writ. It can take care of itself.

Last winter, when the rebellion began to assume formidable dimensions, some persons in and near Washington kept a strict watch upon certain suspected officials and prominent politicians. Among those thus carefully observed were some of the Judges of the Supreme Court of the United States. Facts are in possession of gentlemen of the highest character, which would authorize the prompt arrest of two or three of those Judges on charges of treason. The time not having arrived for proceeding in this matter, and, in fact the rebellion having gone on with such rapid strides as to get almost beyond the necessity of doing it, this serious matter remains in *statu quo*.

We tell the over-zealous champions of the Judges of the Supreme Court, that they had better be quiet.—*June* 1, 1861, *N. Y. Tribune*.

The madness which culminates in the Baltimore platform, took possession of them. Then followed countless instances of the refusal of Mr. Lincoln to allow the WRIT of liberty. Fort Lafayette, in New York harbor, a dismal, damp fortress, surrounded by water, was selected as the American bastile. Fort Warren, in Boston harbor, Fort McHenry, at Baltimore, the old Capitol prison, in Washington, and numerous other dungeons, one often another, were crowded with victims.

On the 20th day of July, 1861, Fort Lafayette opened its doors to the first political prisoner, Mr. E. S. Ruggles, of Fredericksburg, Virginia. Mr. Ruggles was alone for seven days, when Dr. Johnson, of Baltimore, joined him there. On the last day of July, seven persons had taken up their residence inside the fort, and from that time the number rapidly increased. The *Evening Post*, of Sept. 21st, 1861, contained a list of eighty-eight names of prisoners who had at that time been committed to the fort.

Mr. Lincoln at length issued an order to all policemen in the country, commanding their services in his lawless seizures. Wherever they were under Republican officers they obeyed. State machinery was thus subjected to his will. The police of New York city lent willing aid. The police stations were crowded with prisoners. Men of every station in life were brought up, tortured in CELL NUMBER FOUR (of which we shall give a description), and hurried off to Fort Lafayette, or elsewhere. At once began the same system pursued in France under the Reign of Terror. A high official at Washington informed us that Mr. Seward had received many thousands of letters accusing individuals of disloyalty, and recommending their arrest. Every radical politician seized the opportunity to persecute his Democratic neighbors. The same officer informed us that one clergyman in central New York had written more than thirty letters within two months, each letter containing a list of Democrats in his neighborhood whom he wished arrested, and that his letters grew more and more frantic from day to day, begging that he might be authorized to arrest them himself. "Democrat" was considered synonymous with "traitor."

Mr. Lincoln, Mr. Seward, Mr. Cameron, and subsequently Mr. Stanton, entered heart and soul into this crusade against political opponents. Men were seized at all hours of the day and night. The writ of *habeas corpus* was refused. Examinations were refused. Then followed the most infamous order on record in a free government. Mr. Seward proclaimed and caused to be read to the prisoners in Fort Lafayette his ukase, that *the employment of counsel by any prisoner would be regarded as a circumstance against him*, and forbidding any man to employ counsel! Not only were the laws suspended, but the miserable victims of tyranny were forbidden to enquire what the laws were, or had been in better days. We insert just here that most terrible record against Abraham Lincoln and his Secretary of State. It was read on the 3d of Dec. 1861, by the commanding officer at Fort Lafayette, to the prisoners there:

TO THE POLITICAL PRISONERS IN FORT LAFAYETTE.

I am instructed by the Secretary of State, to inform you that the De-

partment of State of the United States *will not recognize any one as an attorney for political prisoners,* and will look with distrust upon all applications for release through such channels; and that such applications will be regarded *as additional reason for declining to release the prisoners.* And further, that if such prisoners wish to make any communication to Government, they are at liberty to make it directly to the State Department.

SETH C. HAWLEY.

And yet, in the face of this order, and this merciful offer to hear the prayers of prisoners, their letters were returned unopened—all their appeals were utterly vain—and to-day, men are languishing in those prisons, who have lain for three years, forgotten by all the world except their mourning families! Read the following, and compare it with Mr. Seward's promise to receive the communications of prisoners:

WAR DEPARTMENT, OCTOBER 4, 1861.

SIR: I acknowledge the receipt of a communication from Colonel Martin Burke, inclosing a letter from E. B. Schnabel, a prisoner at Fort Lafayette.

The person referred to is the son of a very worthy gentleman, a citizen of Pennsylvania, known to me for many years. He was educated at Princeton College, where he exhibited considerable talent. He came back to Pennsylvania, and has been "living on his wits" ever since. He is a man, I am sorry to say, of no character, *and I have no desire to open any communication from him; I therefore return the communication forwarded by Colonel Martin Burke, unopened.*

I have the honor to be, very respectfully,

SIMON CAMERON, Secretary of War.

Lieut.-General W. SCOTT, General-in-Chief.

Was ever a more tyrannical letter written, or one more cowardly?

All avenues of help seemed closed; even public appeal was denied, for in September, 1861, the following order was issued in New York by the Superintendent of Police, subject to a resolution passed at a meeting of the Board of Police Commissioners:

GENERAL ORDER No. 275.

Resolved, That inasmuch as the publication of arrests and the attendant circumstances has caused serious embarrassment to the Departments, and has frustrated the attempts to arrest persons guilty of offences against the Government, that all information of arrests by members of the force, except such as is entered on the daily returns, be strictly forbidden, and that any violation of this rule will be deemed a cause for dismissal.—*Sept.* 18, 1861.

The Cabinet was in high glee. The Washington people, under Mr. Lincoln's facetious administration, thought the whole system a good joke. They went into it as great fun. The radical press throughout the country was jovial over the new plan. For example: the New York *Times* (under the editorship of the chief manager of the Baltimore convention and chairman of the Republican National Committee) gave this funny incident at Washington:

AN UNEXPECTED ARREST.

A singular instance of the adroitness of our authorities here in dealing with suspected persons occurred this morning at the Provost Marshal's office. A person, well known here as connected with a claim-agency broken up by the Government, presented himself, and desired a permit to see some friends confined in the Old Capitol. Upon hearing the name, the clerk looked up and said, "Yes, certainly"—proceeding at once to write it out. The gentleman received his permit, and upon presenting it at the Capitol, was ordered into a cell, and informed by the guard that he had brought with him an order for his own commitment.

The following extracts from papers will show the manner in which the system was built up and carried on. The New York *Tribune* of April 19th, 1861, contained the following paragraph:

MARK THE TRAITORS.

There are a few as genuine traitors scattered over the country as ever went lurking among honest men. It is not proposed to hang this class of sympathizers with rebellion, but it is proposed to mark, and, so far as it is possible, to withdraw all intercourse and trade with them. In short, to leave them alone in their glory. This course has been adopted in Mount Vernon, Westchester County. A brawling secessionist tavern keeper heads the list which the patriots are filling up as fast as the sentiments of the wretches are discovered. As soon as it is complete it will be published as the "black-list of Mt. Vernon." Let the same plan be pursued in every town, village and neighborhood, and post the names in public places—so that the public may know who are open-mouthed shameless traitors, and let them be avoided by all patriotic citizens. * * Put their names on the "black list."

It was not long before the plan of "letting traitors alone in their glory," was dropped. The *Tribune* of Sept. 4, 1861, contained the following paragraph:

"FERRETING OUT TRAITORS.

The system of detective police adopted by Government is bearing the happiest fruits. Every day, for some time past, we have recorded the arrest of Southern spies and agents, and the confiscation of rebel property. * * * Every day the authorities are flooded with communications, authenticated and *anonymous*, respecting transient or permanent Southern residents. Frequently, the denunciations spring from petty malice or personal hatred, and the officers, after following up supposed important cases, for days and nights together, have finally become convinced of the innocence and loyalty of the suspected persons.

It should be considered the duty of all loyal citi-

zens to aid in the discovery and arrest of real traitors by denouncing them to the United States Marshal. Marshal Murray has collected about him a number of the most intelligent, experienced, and shrewd detectives in the country—two of whom have recently 'worked up' some of their cases with marvellous good judgment and dexterity."

Two days after, Sept. 6, 1861, the *Tribune* announced, through its Washington correspondent, as follows:

"FLIGHT OF TRAITORS.

"While information by telegraph is lodged against suspected traitors with the State Department here, and replies framed and returned, and while the final orders for arrest are being made in Washington, the guilty birds are often on the wing. The Government desires the coöperation of patriots all over the country. Arrests should be promptly made of the guilty, and by local action, without waiting for the motion from Washington."

The same day the radical papers announce that—

"EIGHT HUNDRED names are entered on the books of the secret political police in New York, of persons suspected of treason, and many arrests will be made."

The Hartford *Courant* of the same day says:

"A large number of arrests are daily made at the North, the number averaging ten or twelve a day. These are made generally on complaints lodged with the Departments in Washington. The Government is somewhat annoyed and astonished that petty cases of treason should be sent there for consideration. ANY MILITARY COMMANDER CAN COMMIT FOR TREASONABLE ACTS, and the local officers should promptly act themselves, when there is necessity for so doing."

A few days before, the *Courant* had published the following:

"Government is considering the propriety of organizing a National Detective Police Force. New York, St. Louis, Chicago, and other cities, were represented in the conference. The plan is to have agents distributed through the country, forming a network of surveillance, through whose meshes secret traitors will find it hard to escape. The detective force in Washington is largely increased by recruits from New York and Philadelphia. The results are daily becoming apparent."

From the *Tribune* of Sept. 21st, 1861:

"IMPARTIAL OFFICIAL VIGILANCE.

"So long as the ends of justice can be compassed, Marshal Murray seems to care little what work he prosecutes. A while ago he was ferreting out slave captains and crews, and made himself a terror to the guilty men, while for some weeks past he has hunted down traitors, seized the property of the disloyal, and effectually broken up the secret cabals and agencies engaged in furthering the dirty work of J. Davis and Co. The moral effect of his vigorous arrest of traitors has been wonderful. A real panic seems to have seized upon them, and there is not a secret sympathizer with the rebels who has not either fled the city, or, if remaining, is not trembling lest his turn should come next. We have reason to know that certain parties in very high station among us who were liable to attainder, and who were actually *preparing* (?) to send important intelligence to the enemy, have left the city between two days to escape arrest."

From the *Tribune*, July 23d, 1862:

"CAUTION TO TRAITORS IN OUR MIDST.

"*Wilkes' Spirit* says: 'We are informed that the Commissioners of Police have been industriously engaged for some time past in forming lists of all persons of secession principles and doubtful loyalty, who, at present, infest the community. The whole force of the Department has been secretly employed in this good work, and the use to be made of it will probably be to direct the Government when drafting shall commence, where to go for its first levy. Information as to disloyal persons is solicited by the Department from all good persons.'"

The newspapers teemed with violent attacks on individuals. Men, women, and children were accused in radical papers. Hundreds of good citizens, of Democratic principles, were thus attacked. Every encouragement was given to the business of denouncing and seizing all who opposed the abolition policy. Every man who ventured to oppose that policy was at once accused of treason, or of discouraging enlistments, or of some other offence. Abolitionists were not interfered with. The Boston *Liberator* continued to flaunt its motto: "*The Constitution is a league with death and a covenant with hell;*" but Mr. Lincoln did not object to that. Abolitionists advocated disunion, but were not arrested.

CLERGYMEN WERE SEIZED WHILE AT PRAYER AT THE ALTAR, ON THE MORNING OF THE SABBATH DAY.

TO THE PUBLIC.

A scene occurred in St. Paul's Church, Alexandria, Virginia, on Sunday morning, February 9th, 1862, which has, perhaps, never had a parallel among civilized nations, certainly not in the history of this country. The officiating minister, Rev. K. J. Stewart, had just got through the Morning Prayer of the Episcopal Church as far as the Litany, the prayer for the President being *omitted*, but without anything in its place, and was proceeding with the Litany, when an interruption occurred of the character which the law designates as "brawling"—that is, the intervention of noise and tumult by certain persons, who had come to the church with the intention of interrupting the service, should it not proceed according to their wishes. These persons commenced the disturbance as soon as they found the prayer for the President omitted. One of them, Captain Farnsworth, of the Eighth Illinois Cavalry, who sat near the chancel, dressed in uniform, with some five or six of his soldiers near him, undertook to officiate in prayer (if prayer it can be called) by reading the prayer for the President of the United States. How far he went in it does not appear in the confusion, but soon quitting his position as the offerer of prayer, he advanced to the altar where Mr. Stewart was kneeling, still continuing the Litany, and ordered his arrest. Mr. Stewart was dragged from his knees by the soldiers. The ground of the arrest Captain Farnsworth distinctly avowed to be the *omission of*

the prayer for the President of the United States. With this avowal, he said, "I arrest you by the authority of the United States, as a rebel and a traitor."—"And I," responded Mr. Stewart, who by this time had advanced to the chancel rails, to Capt. F., "summon you to answer at the judgment seat of the King of kings and Lord of lords for interfering, by force of arms, with His ambassador, while in the act of presenting the petitions of His people at His altar." The solemnity of this appeal apparently caused the parties to fall back and pause; but soon the soldiers were ordered to seize Mr. Stewart, which two of them did with great violence, forcing the prayer-book from his hands, one of them drawing a revolver. Another revolver was presented to an old and venerated citizen within the chancel, when the officer ordered the soldier not to fire. Very soon a considerable number of armed soldiers appeared in the church. Mr. Stewart, refusing to yield voluntarily, was dragged by force from the altar, and through the aisle, out of the church. He was in the surplice, which he wore through the streets, and at Col. Farnsworth's quarters, where he was taken.

Capt. Farnsworth said that he went to church intending to arrest Mr. Stewart if he should offer any prayer for the Confederate States. Near him, in the same pew, sat Mr. Morton, the "detective" agent of the United States government, who there gave orders to Captain Farnsworth to make the arrest, which was executed as above described. Mr. Morton has declared that he was acting under authority from Washington. The scene in the church was such as may be imagined under such circumstances. Gentlemen were indignant and excited, and ladies giving utterance to their feelings of grief and indignation; but, of course, no serious effort was made to prevent the arrest. Mr. Stewart was taken away, and the congregation dispersed.

It is proper to state that these proceedings were without the knowledge of Gen. Montgomery, the Military Governor of the city, and were strongly condemned by him when they came to his knowledge. He telegraphed to Washington for instructions from the government, which, when received, were of such a nature as to lead to Mr. Stewart's release, after a few hours' detention.

The issues involved in the transaction, thus imperfectly sketched, are too grave to admit of comment. It will, however, be well to state that Mr. Stewart only insists upon the rights of all ambassadors to communicate with their King, untrammelled by civil or military interference, and that in no case have any of the services of this church assumed a political aspect; no prayer has been offered, and no sentiment advanced at any time that was calculated to offend even the most sensitive critic; but public worship is interrupted, soldiers invade the chancel, and with drawn revolvers drag the minister of religion from its altar, because he will not do their bidding. The undersigned were present in church, and testify to the facts as above stated. It may be proper to state that by request of the vestry, in the absence of their rector, the Rev. George A. Smith and Rev. Mr. Stewart have been officiating in St. Paul's Church for several weeks past, and that Mr. Smith was in the chancel at the time these occurrences took place.

John West,	George A. Smith,
P. A. Clagett,	Cassius F. Lee,
James Green,	Stoney G. Miller,
Isaac Winston,	A. H. Currie,
Thomas W. Swann,	John A. Dixon,
James Entwistle,	W. H. Marbury,
Lewis Hooff,	Townsend D. Fendall,
Charles R. Hooff,	Albert E. Bassford,
J. D. Corse,	Edward C. Fletcher,
Stephen A. Green,	George H. Smoot,
S. F. Gregory,	J. J. Wheat,
John F. Dyer,	W. A. Harper,
George T. Baldwin,	Nathaniel Boush.

Other clergymen, over one hundred in all, were seized, in many instances *on the complaint of abolitionist clergymen.* We remind readers of a few cases:

Rev. F. Mercer, Nov., 1863; Rev. F. Gibson, Sept., 1863; Rev. Mr. Martin, April, 1863; Rev. Peyton Harrison, Aug., 1863; Rev. Lewis T. Jessup, Nov., 1862; Rev. Mr. Mitchell, Nov., 1861 (seized in church just before commencing service); Rev. T. N. Conrad, Aug., 1862; Rev. Mr. Brookes (Ohio), July, 1862; Rev. Mr. Hoyt (Ohio), July, 1862; Rev. J. W. R. Handy, July, 1863; Rev. Aug. McConnomy, Sept., 1863; Rev. James O'Reilly, Sept., 1863; Rev. James L. Vallandigham, July, 1863 (arrested on account of his name); Rev. J. J. Stein, Oct., 1862; Rev. Mr. Henkle, Dec., 1863; Rev. Geo. W. Henning, Oct., 1862; Rev. James D. Armstrong, March, 1864 (put to work on fortifications by Butler); Rev. S. H. Wingfield, March, 1864 (put to cleaning streets by Butler); Rev. G. M. Baine, March, 1864 (put to hard labor by Butler); Rev. John H. Dashiel, Feb., 1863; Rev. C. A. Hall, Oct., 1862; Rev. Judson D. Benedict, Sept., 1862; Rev. Henry M. Painter, July, 1861; Rev. I. M. Todd, Feb., 1864; Rev. Dr. McPheeters, March, 1863 (a case of almost unparalleled injustice and wrong.

[We pause in this list only for want of room.]

JUDGES WERE SEIZED AND IMPRISONED FOR JUDICIAL DECISIONS RENDERED ON THE BENCH.

There is not on record in civilized nations a more clear and manifest attempt to destroy the purity of the bench by interposing the power of a tyrannical autocracy than was exhibited in the treatment of judges. We cite the case of Judge Constable, of Illinois, arrested for a calm and correct judicial opinion, rendered in the court of which he is an honored judge.

[*From the Burlington Sentinel, March* 27, 1863.]

THE ARREST OF JUDGE CONSTABLE.

We do not propose to discuss the merits of this the latest evidence of the character of the times in which we are living, and of the men who rule us. A simple statement of the facts in the case is sufficient to induce us to cast about us, and inquire if it be really in the American Republic rather than within the realms of the Czar that such scenes are enacted. The facts to which we allude took place on the 13th inst. They are thus briefly set forth by a city cotemporary:

"While the Circuit Court of Clark county, in Illinois, was in session, a woman appeared before a justice of the peace, and made oath that two per-

sons from Indiana were attempting to kidnap her son upon the charge that he was a deserter from the Federal army. The justice thereupon issued a warrant for the arrest of the accused persons. They were brought before him, and at the request of their counsel the case was carried before the Circuit Court. Judge Constable of that court heard the case. It was established that a commission was in the possession of the accused authorizing two persons named 'to arrest deserters' in a certain district of the State of Indiana. It was not shown that the accused were the two persons named in this commission. Upon this, neither the question of desertion nor the persons of any alleged deserters being before him, Judge Constable held the accused to bail to answer for the crime of attempted kidnapping in the State of Illinois.

"These proceedings having been taken, Major-General Wright, military commander in the Indiana district, sent an officer under his orders, with a force of two hundred men, into the State of Illinois, arrested Judge Constable, and conveyed him out of that State to answer to the charge of 'harboring and protecting deserters.'"

This is the most serious outrage yet attempted upon personal freedom. The courts of law have always been looked to by the people as the great shield and safeguard against wrong or injustice committed by the executive upon the people. When this great protection is withdrawn, when the decisions of the judiciary are set aside as naught, and the persons of our judicial officers become the victims of administrative tyranny and violence, we may well feel that not only the substance, but the form even of republican spirit and government has fled from amongst us.

We again say that this is but one instance among many. The attempt to suppress courts of law and justice by frightening judges was happily unsuccessful in the main, and we may point to a long list of able opinions of learned jurists, condemning the administration, and pronouncing its acts lawless and revolutionary. But, alas for Americans! the decrees of the courts were powerless, and they could not free the citizen from the grasp of radical persecution. Cases occurred, as in the instance of Rev. Mr. Benedict at Buffalo, where the United States Judge declared the accused free from stain, and ordered his release; but the United States Marshal, in the very presence of the Judge, refused to discharge the prisoner, seized him again in the court room, transported him from prison to prison, till he finally lodged him in the Old Capitol prison at Washington, under the very eye of Abraham Lincoln. Thus courts were defied, and law trampled on at the order of the President, who pretended to be enforcing the laws.

Judge Andrew H. Duff, one of the Circuit Judges of Illinois, was seized and taken to Washington, kept for months in prison, and finally discharged; no crime of any sort being found in him.

LADIES WERE SEIZED AND IMPRISONED, SUBJECTED TO NAMELESS INSULTS, FORBIDDEN THE VISITS OF FRIENDS, HURRIED FROM PRISON TO PRISON, AND MOST FOULLY TREATED BY THE OFFICERS OF MR. LINCOLN.

We recall the Brinsmade case. It has been almost forgotten in the rush of this fierce time. The following is from a statement made by her counsel to Simeon Draper, Esq., before the circumstances were fully known. It is accurately true in every sentence:

About two months since Mrs. Brinsmade, the wife of Dr. Brinsmade, a young lady of about twenty years of age, having a pass from Gen. Butler, arrived in this city from New Orleans, having been placed by the father, Theodore A. James, Esq., a highly respectable merchant of that city, in the charge of Dr. Phelps, one of the surgeons of the steamer upon which he had secured her passage.

She brought letters from her father to Messrs. J. D. Scott & Co., and other gentlemen of this city. Upon her arrival here she was accompanied to the Everett House by an invalid naval officer, who had been requested by Commodore Morris, at New Orleans, to protect and assist her.

Mrs. Brinsmade's object in visiting the North, was to reside with her uncles, one of them in Washington, the other in Troy. She remained a few days in this city and Brooklyn, and then went to Washington, where, after remaining four days, she was arrested by Marshal Baker, who kept her a close prisoner for four days, carefully guarded.

Some ten days after she left this city for Washington, a hackman called on one of her friends in New York, and said that a lady was brought on in the train of the previous night by a detective from Washington, and conveyed to the 47th street police station, and that her name was Mrs. Brinsmade.

An immediate application was made to Mr. Kennedy for the cause of her arrest, and for permission to see her. This was rudely refused by Mr. Kennedy, who threatened to lock up the applicant if the inquiry was repeated.

Another friend of Mrs. Brinsmade then saw a deputy marshal, and was informed that she could only be seen by permission of Mr. Kennedy. He stated that she was confined in the 47th street station house; that she was a giddy, foolish, secesh woman, who had been singing secesh songs; that it was thought best to send her home to her father, at New Orleans, and that she would sail in a day or two, but that no one would be allowed to see her.

With this assurance her friends were forced to be contented.

Thirty-five days afterward a letter was received by one of her friends, stating that she was still a close prisoner in the 47th street station house.

Application was at once made to you. Her friends were informed that you knew nothing of her case; that you would at once address the proper authority at Washington for information, and, if in your power, would release her.

Pending this correspondence, two ladies, the wives of two of our most reputable merchants, who had been for many years the neighbors and friends of Mrs. Brinsmade, called upon Mr. Kennedy for permission to see her.

They asked "What were the charges against her, and who were her accusers?"

Mr. Kennedy, in his usual manner, answered, "I, madam, am her accuser. She is a general spy. From the moment she set her foot in this city, my presence overshadowed her. I did not leave her a moment. She went to Brooklyn to visit her friends. I watched her, and when she returned to the Everett House, I watched her there. She went to Washington, and when I got her in the right place I arrested her and brought her back here, and put her where she is."

In reply to the inquiry if there was no more proper place for the confinement of this lady than a police station, he said, "No, that was the place for her. That her whole conduct on board ship indicated that she was a spy, and that she ought to be hung;—that a thoughtless, giddy *thing* like her, and the one who was arrested a few days since in Washington, who was making a wagon of herself, carrying quinine to the rebels, were the very ones to be employed as spies, and that they all ought to be hung."

In reply to the inquiry as to whether she was to be kept shut up where she then was, and had been for five weeks, and her friends unable to see her, or know where she was, he replied, "That is with the Department."

Through your kind intervention, after this long confinement, this lady was on Monday restored to her friends.

OFFICE OF THE PROVOST MARSHAL GENERAL
OF THE WAR DEPARTMENT,
NEW YORK, *Nov. 10th*, 1862.

DEAR SIR:—In reply to yours of the 8th inst., I can only state that up to the 29th ulto., I had no knowledge whatever with regard to Mrs. Brinsmade's case. On that day Mrs. Elliott called and informed me that she was under arrest, and inquired what was the cause.

I on the same day wrote to Washington, directing inquiry to be made of the Judge Advocate-General.

On the 1st inst., I was informed that the Judge Advocate-General knew nothing about the case.

Upon this, I asked Mr. Kennedy upon what authority he held her as a prisoner. He replied, that she was arrested and held by order of Col. Baker, the provost marshal of Washington. This I forwarded to Washington, and on the 3d inst,, received from Col. Baker and the Assistant Secretary of War, information by telegraph to the effect that the arrest had been made by one of Mr. Kennedy's officers, and Mrs. Brinsmade was detained by him without authority from the War Department.

I then called upon Mr. Kennedy, received from him an order directing Mrs. Brinsmade's release, and went with it to the station house, took her from it, and placed her in charge of her friends.

The foregoing is all the information that I can give bearing on the subject.

Your obedient servant,
S. DRAPER, P. M. Gen'l.

It subsequently appeared, on the legal proceedings which were instituted in this case, that Mrs. Brinsmade was subjected to infamous proposals as the price of her release. For forty days she was in the power of the scoundrels who held her, in secret—unknown to the world or to her own friends. Here is part of her own testimony:

TESTIMONY OF MRS. ISABEL M. BRINSMADE.

Q. Where do you reside? A. In New Orleans. Q. Born there? A. Yes. Q. When did you leave it? A. On or about the 25th of August. Q. On what vessel? A. The Fulton. Q. For where? A. New York. Q. For what purpose? A. On purely personal business. Q. Who did you know on board ship? A. The captain and his wife, the surgeon, the purser, and one or two others. Q. When did you arrive in New York? A. On the 25th of September. Q. Where did you go? A. To the Everett House. Q. How long were you in New York? A. Eight or ten days. Q. Where did you then go? A. To Brooklyn. Q. Where did you there reside? A. With Mrs. O. T. Downs, in Bedford avenue. Q. Did you go from there to Washington? A. Yes. Q. Where did you stop there? A. With Mr. T. C. Downs, my father's uncle by marriage. Q. How long were you there? A. Four days. Q. Were you arrested? A. Yes. Q. By whom? A. By one Bowles and another officer. Q. What did Mr. Bowles say? A. That he arrested me by order of the provost marshal of Washington City, Col. Baker. Q. Did he take you away? A. Immediately. Q. Where? A. To Col. Baker's office. Q. Did he take your baggage? A. Yes, and papers, pictures, letters, and everything, and examined them. Q. What did Col. Baker say—what occurred on that examination when he examined your letters? Col. Baker told me he arrested me by order of the Secretary of War; that I was accused of being a rebel spy, having treasonable papers in my possession. My papers were examined and read, and he asked me what I came for. I told him private business. He then told me if I did not wish to go to New Orleans I should be sent to New York, and he pretended to the man Bowles, who had charge of me, that he would keep me as a prisoner at the St. Nicholas Hotel, as he had at Willard's, and that on Sunday he would release me. Q. Did he examine your private papers? A. Yes. Q. What did he say? A. He said there was no evidence to hold me. Q. What did he say about your letters? A. That they were very affectionate. Q. What did he say about your daguerreotypes? A. He said one or two were good-looking; and he proposed to keep them because they were good-looking. He promised me I should have my pictures the next day, because he had to show them to the Secretary of War before he gave them to me (laughter). Q. Well, you came on to New York in charge of Mr. Bowles? A. Yes; he brought me to Broome street in a carriage. Q. Who was Mr. Bowles? A. He told me he was employed in Mr. Baker's office, and would go back to the office in a few days. Q. What was Mr. Bowles's manner in escorting you to New York? A. He was exceedingly affectionate, and called me "My dear" and "Bella." Q. Had you ever seen him before? A. No, I never saw him before. Q. You were brought here to this office? A. Yes, I was brought to this station house on this corner. Q. What then was done? A. He got out of the carriage; he did not tell me what place it was, but said he must stop for some orders. The driver got down and I asked him wherever he drove me to tell me where it was, and to take a message to one of my friends in New York. Q. Where were you

taken then? A. To the Forty-seventh street station house. Q. You never saw Mr. Kennedy there, did you? A. Never saw him in my life, sir; I would not know him if I was to see him. Q. How long did Mr. Bowles remain there? A. For a week or ten days, taking me regularly to my meals at the next house; I saw the captain, policemen and sergeants in the house every day. Mr. Baker came after I had been in nearly two weeks, and told me he had come to release me. He said the Secretary of War and Mr. Kennedy had been very anxious to send me to New Orleans, but he had seen the Secretary of War and persuaded him he need not do so. He said he had put Mr. Kennedy off from time to time merely to please him (Mr. Kennedy) in that way, saying he would put me on a vessel, but it was only to satisfy him, because he was so anxious to have me go. Then he told me Mr. Kennedy asked him, when he arrived in New York, whether he had brought an order for my removal. He told Mr. Kennedy no, he had brought an order for my release. Mr. Kennedy wanted to serve it; he said no, he preferred to serve it himself.

Commissioner Bowen remarked that this was so important he would like to have it repeated for the better understanding of all.

Mrs. Brinsmade.—When he (Mr. Baker) came to the station house he told me he had got my release; the Secretary of War and Mr. Kennedy had both been anxious to send me to New Orleans, and he said he had persuaded the Secretary of War that it was not necessary, it was not worth while, or something of that kind; Mr. Kennedy had written to him repeatedly requesting an order to send me to New Orleans; he had told Mr. Kennedy to make inquiries about some ships that were leaving, but it was merely to please Mr. Kennedy, who was very anxious to send me away. Then he told me I would be released the next day; that he was going to Albany that night, and would be back at 9 or 12; when he came to New York, Mr. Kennedy asked him if he had brought an order to send me South. He (Mr. Baker) told him no, he had brought my release. Mr. Kennedy offered to serve it, but he (Baker) refused, saying he wanted to see me himself. He advised me to leave New York for a few days, because, if Mr. Kennedy knew where I was going, he would arrest me again (laughter). I asked this man Bowles, while I was in the station house, what was to be done with me. He said he did not know; he had his orders from the War Department. I frequently asked the officers for Mr. Kennedy, and the invariable reply was: "Mr. Kennedy can do nothing for you until he receives orders from Washington." Q. When Mr. Baker promised to let you out did he urge to remain in New York? A. He wanted me to go to Philadelphia with him. He said if I would go he knew where I could be safe. If I would go with him I would be safe, because then he could place me where neither Mr. Kennedy nor anybody else could arrest me again. Q. Who was captain in that station house? A. Captain Sloat. Q. He knew, of course, of your confinement? A. Yes. I always asked him when he went down to see if there was an order for my release. Q. Why were you arrested? A. Because I was a rebel spy. Q. Well, were you a rebel spy? A. No, sir.

Remark by Mr. Barlow.—She means because it was said she was a rebel spy.

Mrs. Brinsmade.—Certainly. Q. Were you guilty of any charges whatever; any political offence? A. No. I had not meddled with politics at all. It was disagreeable to me to live in New Orleans, and I wanted to come North. Q. After you came to New York, while you were in Brooklyn or Washington, did you send any message by telegraph or otherwise, or give any information to anybody whatever, having any bearing upon any political or military subject? A. No, sir. Q. None, whatever? A. No, sir. Q. Who told you you were a rebel spy? A. Mr. Baker. Q. If he thought you were a rebel spy how could he let you out and take you to Philadelphia? A. I do not know how he could do it, only he said he would do it. Q. With whom are you residing here now? A. With Mrs. John H. Elliot, in Twenty-third street.

By Mr. Barlow.—Are you a friend of Mrs. Elliot?

Mrs. Brinsmade.—Yes. I knew her when I was a very little girl. She resided in New Orleans. Q. What other friends have you here? A. Mrs. Converse, who also lives in Twenty-third street. She knew me when I was a young girl. Q. And has taken care of you since? A. Yes. Q. When you came away from New Orleans, did you come with permission of the Government? A. Yes. I came from New Orleans with a pass from a military commander. Q. You were put in the charge of Dr. Phelps, surgeon of the ship? A. Yes. Q. Had you letters? A. I had no letters with me; they were sent in the ship to Mr. Elliot, and a member of the firm of J. B. Scott & Co., by my father. Q. Authorizing him to give you money? A. Yes, authorizing him to give me any money that I needed. Q. When Mr. Baker asked you to go to Philadelphia, what did you reply? A. I told him it was not necessary for me to go with him, for I had friends of my own to take care of me.

EXAMINATION RESUMED BY JUDGE DEAN.

Q. You never knew Mr. Kennedy before? A. I never knew Mr. Kennedy. I never saw him during the time I was imprisoned. I just now asked Mr. Barlow to point out to me which of the gentlemen present is Mr. Kennedy. I have seen him today for the first time. Q. So far as you know, then, he had nothing to do with your imprisonment? A. I always understood that Mr. Kennedy had nothing to do with it. The officers who had me in charge said Mr. Kennedy could do nothing until he received orders from the War Department. Q. Then you understood yourself to be the prisoner of Mr. Baker? A. Yes. I was the prisoner of Mr. Baker, lodged in the Forty-seventh street station house. Mr. Baker told me I was a prisoner by order of the Secretary of War, and that Mr. Kennedy was merely requested to hold me.

Commissioner Bowen.—I am going to ask this question, not that it has any relevancy to the case, but merely for information: What was your treatment in the station house?

A. I was treated with the utmost respect by all the officers, policemen, and captain. I was treated very rudely by Mr. Baker and Mr. Bowles.

Examination continued by Judge Dean.—In what part of the station house were you kept? A. In a little room separate from the policemen. Q. And were taken to an adjoining house for your meals? A. Yes.

Commissioner Bowen.—This room was comfortable? A. Yes, it was tolerably comfortable, but very cold. It had no carpet when I first went there, but one of the officers, after I had been there some time, gave me a rug. Q. Then you were treated

respectfully? A. I was treated with entire respect, because they were convinced it was an outrage—my being sent there without a charge. Q. This room was not a cell? A. Oh, no! they would not dare put me in a cell (laughter).

By Mr. Barlow.—During this time that you were there were you allowed to send any letters or hold any communication with the outside world, or during that time was any one allowed to call upon you? A. No; I was not permitted to send any letters. I asked permission to send a letter to my friends, and it was refused, consequently I pitched it out of the window, and a man picked it up and put it in the post office. That was the last week I was there? Q. Had you asked permission to write letters? A. I had asked permission to write letters, subject to the inspection of the officers, but they said they had no authority to do so. I held no communication with my friends. None were allowed to see me. I told Mr. Baker, when I came, I was anxious to see Mr. Draper. Mr. Baker said Mr. Draper could do nothing for me, that he was a man of no influence or power, and could do nothing for me (laughter). Q. Until this did you have any means of communicating with your friends, or counsel, or any one else? A. No.

By Commissioner Bowen.—How long before your final release did Col. Baker call on you? A. nearly two weeks. Q. When was the last time Bowles was there? A. About five or six days before I was released I saw Bowles, who expressed extreme astonishment that I was still a prisoner. He said Mr. Kennedy would see me the next day, and I would have a hearing before the Board of Police Commissioners (laughter).

[*From the World.*]

Another instance of the seizure of females was the case of a poor girl in New York. A very beautiful and very honest servant girl lived for three years at domestic service in a family on Ninth avenue. For two years of the time she lived very happily, but unfortunately for her comfort, during the last year of her stay the head of the family endeavored to ruin her. This was the cause of her leaving his employ. She went to service in Madison street, but her former employer followed her there, visiting her frequently, and making overtures that she could not consent to receive. One day he essayed to take liberties which made her indignant, and which she resented by throwing a basin of dirty water over him. From her presence he went directly to the special provost-marshal, charged the poor girl with treason, stating that she had uttered disloyal sentiments. Among others, that she had hurrahed for Jeff. Davis, said she hoped President Lincoln would be hung, and as for Provost-Marshal Kennedy, she would like to hang him herself. She was immediately sent for, had a preliminary examination, and was then removed to the bedroom occupied by the detectives, just beyond "Number Four." Here she gave vent to her grief in cries and sobs. She was detained among felons and vile characters, and finally discharged, no one knows how.

In connection with these cases, we quote the *World's* remarks on New York arrests under Kennedy:

The case of Mrs. Brinsmade is by no means the most flagrant example of the abuse of power made by this man. Since his advent to office the sufferers at his hands may be numbered by scores and hundreds, and to such an extent was the business carried after his appointment as special provost-marshal, that upon the arrival in this city of the Hon. L. C. Turner, Judge Advocate General of the United States, to investigate into certain abuses existing here relative to prisoners of state, he found the station houses swarming with these unfortunates, who had been taken for no crime that they had been aware of, and who had been allowed no hearing either at the time of their arrest or subsequently. It is now stated that there are others still confined in the various station houses in the city, whose cases are of a character to call the blush of shame to the face of every man and woman in the community who has any regard for their liberties as residents of a republic under republican rule.

HOW ARRESTS WERE MADE.

It may not be generally known how arrests were made by the provost-marshal. Citizens were taken off Broadway and hurried before the Government official without a word of warning, or a whisper of what they were arrested for. Others were taken from their beds at midnight, and compelled to visit police headquarters, there to learn, for the first time, the nature of the charges preferred against them. No warrants were exhibited by the officers, no explanation given, nothing but the announcement: "The provost-marshal has ordered you to be brought to his office." It was useless to resist or ask questions. The officers were dumb, but they were powerful, and could listen to no expostulations, or make answer to any inquiry. These parties were usually held at headquarters over night; sometimes, however, the cells would be full, and the floor of the officers' room also covered with the sleeping victims. In such cases the parties were sent to some of the station houses adjacent to Broadway, and not unfrequently these would be full also, to such an extent was the business of arrests carried. The nearest station house to the police headquarters is that located in the Fourteenth precinct, in Spring street, near Marion.

Two parties, whose names can be obtained at this office, were arrested by Provost-Marshal Kennedy on the broad charge of disloyalty. They had been guilty of offering a resolution, at a public meeting, calling upon Government to make some compromise, upon the basis of which a peace could be effected. They were taken to the police headquarters, and interrogated after the style in vogue at that place, and from there were sent to the Fourteenth precinct station house, where they were put in solitary confinement in a cell. On Friday, the 19th of September, the following letter was received from one of these parties by a prominent business man in this city, a personal friend of the prisoner, and was the first intimation he was able to obtain of the locality in which his friend had been confined, although fourteen days had elapsed since his arrest. The letter was hardly legible, having been written in a dark cell with a pencil:

Fourteenth Precinct Station House,
In Cell, Sept. 17, 1862.

To ——— ———:

My Dear Sir: You no doubt will think it curious to receive a correspondence from this place. I and a friend of mine were arrested on a charge of disloyalty on the 5th inst. We proposed a resolution at a meeting, which appears to have given offence to some persons. We were arrested with-

out a warrant, have had no hearing or trial, nor does there appear to be as yet any prospect of one. We are not permitted to utter a syllable in our defence. My brother prisoner is ———. I should very much like to have a personal interview with you. You will excuse this style of correspondence, as it is written hastily and stealthily, and in a dark cell, by your friend, ——— ———.

P. S.—It may be necessary for you to get an order from Kennedy to see me.

This letter, by a little financiering, was sent out of the station house, and in the course of two whole days and one night, arrived at the place of destination in Fulton street. The very day after it was received the party was discharged from custody by some process not fully explained.

THE PROVOST-MARSHAL THREATENS THE LAWYERS

About two weeks after the establishment of the provost-marshal's office, a sailor, a British subject, was arrested on a charge that he was a citizen of the United States about to leave the country. He protested that he was a British subject, but it was alleged that he had once voted in Baltimore. He was seized and locked up in the Fifteenth Ward station house. His cousin applied to a well-known member of the bar in this city to act as the prisoner's counsel in the matter. This gentleman called upon Provost-Marshal Kennedy, and made a statement of the facts concerning the case, adding that he was to act as counsel for the accused party, and desired an interview.

The provost-marshal, who was resting from the labors of the day, with his heels upon the table, and himself almost lost in the huge chair he occupies, sprang to his feet with all the energy of his nervous nature, and exclaimed:

"I know you, sir. I know you. No, sir! You can't see him, sir! Are you aware, sir, that the writ of habeas corpus is suspended in this city?"

The gentleman was thunderstruck, but replied, mildly:

"I have said nothing about the habeas corpus. I simply called here to say I had been engaged to act as counsel for this man, and as such counsel requested the liberty of seeing my client."

Provost-Marshal: "Well, sir, if you come here again to interfere with my business, I'll send *you* down below."

Here he raised his voice almost to a pitch of fury, and advancing toward the gentleman, continued:

"Now, sir, I give you personal notice that if you or any other lawyer comes to interfere with my business, I'll lock him up. That's all, sir."

Of course that was all. The gentleman could not resent the insult, for he knew the man he was dealing with well enough to know that he would not scruple to incarcerate him on the spot if he should utter the words that burned in his bosom.

In this case the British consul was appealed to, investigated the matter, and obtained the man's release, he being proven a British subject.

ANOTHER CASE,

illustrating the treatment extended to parties applying to see relatives and friends shut up in station houses, was developed a day or two since.

On the 15th of August an Irish laborer, named Hugh Boyle, was arrested for discouraging enlistments. He was placed in the Fifteenth Ward station house. A wife and two children were dependent upon him for support. In this case his wife makes a statement to the effect that her husband was willing to take the oath of allegiance immediately after being arrested; that after his arrest she went to the provost-marshal with a letter from Gen. Corcoran, and upon a subsequent occasion with letters from other parties, but that they proved of no avail. She states that on the 19th of September she took another letter to the official from Archbishop Hughes. The letter was in behalf of the prisoner. She states that the answer returned was that the man would not be released if all the bishops and gentlemen of New York should intercede for him; and further, that he wondered that the old gentleman (the archbishop) should interfere with his business.

This man had been confined over a month without a hearing, although the third section of the order issued from the War Department authorizing arrests, expressly provides that cases shall be tried by military commission as soon as possible after the arrest of parties. Catharine Boyle, the wife of the prisoner, declares that the provost-marshal treated her and all the letters she took to him with the utmost scorn. She applied to every one whom she thought could have the slightest influence with the provost-marshal, and as a last resort, to have her husband restored to his family, which was actually suffering for the comforts of life in his absence, she was advised to request Archbishop Hughes to present the case to the War Department. This is only one of a long list of cases of a similar character, which, for all the great public may ever know, may teem with a myriad more disgusting details.

MOURNERS WERE SEIZED AT FUNERALS WHILE BURYING THEIR DEAD.

[From the Baltimore News, Aug. 12, 1863.]

THE ATTENDANTS OF A FUNERAL ARRESTED.

"Yesterday afternoon the funeral of the late Capt. William D. Brown took place at Greenmount Cemetery, and was attended by the relatives and friends of the family. Mr. Brown, the father of the deceased, stated that he had called on the military authorities and was told that there would be no objection to the funeral, and the body might be buried anywhere. The people assembled at the grave, the funeral ceremony was performed, and the body interred. A portion of those who had attended left the cemetery, shortly after which a detachment of soldiers appeared and arrested all who stood about the grave, numbering some eighteen or twenty persons, whose names are withheld at the instance of the military authorities for the present.

After reaching the Gillmore House they were placed in Gen. Tyler's room, where subsequently Col. Chesebrough, of Gen. Schenck's staff, made his appearance. He stated that information had reached Col. Don Piatt, Chief of Maj.-Gen. Schenck's staff, that the body of Capt. Brown had been dressed in a new Confederate uniform for burial, and upon that information the arrest of the parties was ordered. The superintendent of the cemetery declared that since the body was deposited in the vault it had not been touched. What was done with it before it reached the cemetery he knew not, but nothing of the kind had since occurred. After some conversation, Col. Chesebrough released the whole of the par-

ties to report at Maj.-Gen. Schenck's headquarters at nine o'clock this morning."

Dr. Samuel H. Bundy, of Marion, Ill., was seized, Aug. 18, 1862, while burying his little child, and carried off from his weeping family to the Old Capitol prison, a thousand miles distant. No charge was ever made public against him.

YOUNG CHILDREN WERE ARRESTED AND IMPRISONED FOR MONTHS, AND EVEN YEARS.

On Dec. 13, 1862, among the prisoners discharged from Fort Lafayette, was a boy of 17. No one could ascertain on what charge he had been imprisoned. He was poor and unknown. It was suspected that he was the son of a poor but ardent Democrat in Connecticut, whose political enemies had procured the arrest of his son as a means of persecuting him.

George Hubbell, a news-boy on the Naugatuck Railroad, was arrested Sept. 20, 1861. A poor, hump-backed boy, the only support of his mother. He was complained of by Connecticut abolitionists for selling Democratic newspapers on the cars. He was taken by a file of soldiers, carried under a large military guard to Brooklyn, received at Fort Lafayette by the Colonel in command with all the pomp of a dangerous rebel, and was there plunged into a military dungeon. The arrest of this poor boy was hailed with shouts of delight by the Connecticut radical party. Civilization was never more foully disgraced.

[From the Columbus Crisis, Dec. 24, 1862.]

"A little boy thirteen years old, belonging to Gallipolis, Ohio, was for months kept in Camp Chase garrison during the summer and early fall, whose only crime was that being on a boat, he owed a loyal woman, in Western Virginia, fifteen cents, a balance on washing she did for him while the boat laid at the wharf where she lived on the Ohio River. For this debt of fifteen cents he was reported to the military authorities as disloyal, was seized and sent to this political prison, where he was kept for months."

In Kentucky a school of boys was seized. The little fellows were required to take an oath prescribed by the provost marshal, including various arbitrary provisions. Most of the frightened boys submitted. Two little fellows about twelve years old, brothers, named Woolsey, stoutly refused. They were sent to jail. For more than two years they have remained in jail. They are there now.

We repeat that we are only giving a few instances to illustrate hundreds which occurred. There have been scores of young children seized and incarcerated by the authority of Abraham Lincoln, young frames broken down in dungeons, young hearts broken, young eyes dimmed forever by the cruelty of this American tyranny. Fathers, mothers, think of this, and pray God to forgive this poor President. He needs forgiveness!

THE VICTIMS OF MR. LINCOLN'S ARBITRARY SEIZURES IN NUMEROUS INSTANCES WERE DRIVEN TO MADNESS AND TO SUICIDE, OFTEN DIED UNDER THE CRUELTY OF THE TREATMENT THEY RECEIVED.

Capt. J. E. Elwood, confined on a false charge, forbidden to see any one but the man who brought him his meals, worn down by anguish, at length destroyed himself.

[From the N. Y. Times, Dec. 4, 1862.]

"SUICIDE OF CAPT. ELWOOD.—A good deal of excitement is caused by the suicide last night of Capt. J. E. ELWOOD, an inmate of the Carroll Prison, adjoining the Old Capitol. Capt. ELWOOD was an officer of the regular army, and was for some time Mustering and Disbursing Officer, but about a month preceding his arrest, was relieved and placed on duty in New York. While there he was selected as Colonel of one of the New York Regiments, but shortly afterwards was arrested by order of the Secretary of War, and committed to this prison, in which he has been kept in close confinement for about three months. He was a native of Pennsylvania, known to a large circle of acquaintances, and very popular among his friends, and great complaint has been made in consequence of the rigor of his confinement upon unknown charges. The suicide was committed by severing the jugular vein with a pocket knife, and he was this morning found dead in his cell. military inquest was held on the body."

MELANCHOLY RESULTS OF AN ARBITRARY ARREST.

[From the N. Y. Express.]

ONE OF THE ACCUSED PARTIES LOSES HIS REASON.

A brief paragraph appeared in the Express of yesterday, headed "Cheering for Jeff. Davis," in which it was stated that Alexander Hutchings, a Scotchman, and Henry Kerner, had been arrested for cheering for Jeff. Davis in a public bar-room and restaurant. Further particulars in regard to the case have since transpired, and as from the serious illness of one of the accused parties, fatal results may attend the arrest, we deem it proper to lay all the facts before the public.

It appears that three parties named Alexander Hutchings, Henry Kerner and John Marsh were in a drinking saloon and eating house down town, and that a wager was laid by one of the parties that he could drink the contents of a quart bottle of champagne at a draught. The champagne was opened and poured into a pitcher. The party who had made the wager, upon taking up the pitcher, exclaimed, "If this was Jeff. Davis himself, I could take it at a draught," and he swallowed the champagne and won the bet. Mr. Hutchings and his companion applauded the drinker for his success in gaining the wager. Two parties named Charles A. Meigs and James W. Warren, catching the words "Jeff. Davis," and hearing the applause, almost immediately afterward concluded the parties were uttering treasonable and disloyal sentiments and hurried off to inform the police. The trio were taken to the Police Court and from thence before Major-Gen. Wool, who, upon the affidavits of Meigs and Warren, gave the orders for the parties to be sent at once to Fort Lafayette. They were locked up over night, and in the morning taken to the office of U. S. Marshal Murray, preparatory to going down the bay in custody of one of the Marshal's officers. Fortunately, friends appeared in time, counter affidavits were made, the accusers themselves, upon being examined, were not quite sure of the facts stated, and the parties were paroled until orders could be had from the War Department.

The indignities to which these gentlemen were subjected could easily have been borne by them, but more serious results are likely to follow. Mr. Hutchings now lies in his house, a nearly hopeless lunatic. During the whole of last night he was wildly delirious, talking incessantly of the prison bars, and having horrid visions of dungeons and racks, that would make him scream out in agony. He is attended by the best physicians and may recover. The probabilities are, however, that he will entirely lose his reason. So that for a trifling word, imperfectly understood by his accusers, and not uttered by himself, this young man may be the inmate of a lunatic asylum for a life-time, while his accusers go unmolested, and still possessed of the power to make other indiscreet affidavits, and subject others of their fellows to the terrible experiences that have fallen upon Mr. Hutchings.

FURTHER PARTICULARS.—KENNEDY'S DOINGS IN THE MATTER.

We have received, from the friends of the parties interested, some further particulars in regard to the arrest of Messrs. Hutchinson (not Hutchings, as erroneously printed on Saturday), Kerner and Marsh, the gentlemen falsely charged with "cheering for Jeff. Davis" in Schultz's restaurant last week, which we deem of sufficient interest to lay before our readers, and thus enable them to see the arbitrary and cruel manner in which arrests are made by the police of this city. It appears that Mr. Marsh, who had been discharged shortly after his arrest on that day, when standing before the New York Hotel the same evening, was accosted by Captain Caffrey, of the 15th Precinct, who, having asked for his name, told him that he had orders from Superintendent Kennedy to arrest him. Mr. Marsh asked for Capt. Caffrey's warrant, to which the Captain replied that he had none, that there was no necessity for any warrant, and that he had Kennedy's peremptory orders to bring Mr. Marsh to headquarters; in fine, to use the Captain's own words: "You *must* come, sir." Mr. Marsh, seeing there was no way of escape, followed the Captain to headquarters, where he was detained all night, without any charge being brought against him. He, of course, was, with the remainder of his friends, discharged the next morning. It being ascertained the same evening, by the friends of Mr. Hutchinson, that the latter was detained at the First Precinct Station House, several gentlemen, among whom was Mr. John Collins, Jr., son of E. K. Collins, Esq., called upon the Superintendent to induce him to release his prisoner. They told Kennedy that the charge brought against Hutchinson was based upon error, and that Mr. Hutchinson had such a nervous temperament that a night's incarceration would certainly work to such an extent upon his mind, as to endanger his life. Mr. Kennedy's only response to the entreaties of these highly respectable gentlemen was, "a night's lodging in the station house is the best cure for such temperaments, much better than the assistance of all the N. Y. doctors." Mrs. Hutchinson [wife of the prisoner] soon after called upon Mr. Kennedy, and begged, entreated, aye, even almost prayed to him, to permit her to visit her husband in his cell, but "no, you can not," was the cruel, cold reply of our "Fouche." Poor Mrs. Hutchinson was so overcome with the coarse brutality of Kennedy, that on leaving headquarters she fainted, and had to be taken home in a carriage.

"Mr. S. H. Barry, released in December, 1862, became a helpless lunatic upon his release. Repeated attempts to obtain an examination and learn what was the accusation against him having failed, he sank into hopeless melancholy, and broke down in body and mind."

"DEATH OF A POLITICAL PRISONER.—Mr. A. L. Fessenden, of Wisconsin, was ordered to be released from the military prison in St. Louis, unconditionally, on the 16th inst., 'the charges against him not having been sustained.' The order for his release arrived at the prison hospital on the same day of, but a few hours subsequent to, his death."—*Dubuque Herald, Nov.* 30, 1862.

"ANOTHER ARBITRARY ARREST AND DEATH.—It is with profound sorrow that we announce the death of Hon. L. W. Hall, of Bucyrus, Ohio. He died last Sunday at his home in that place, aged about 50 years. Last fall, while in delicate health, he was arrested, taken to Camp Mansfield, and there incarcerated as a political prisoner. He was unconditionally released some time ago, and went home to die—his death doubtless having been hastened by what he endured while in durance. He was for some years a Common Pleas Judge, served a term in Congress, and was a man of acknowledged ability."—*Columbus (O.) Statesman, Jan.* 1863.

John W. Keyes, Editor of the Circleville Watchman, was imprisoned July 1, 1862, became a lunatic, and was sent to the State Asylum.

From the Malone (Franklin Co) Gazette.

CAPTAIN MICHAEL BERRY.

"It was our fortune, while an inmate of the Bastile to which we were consigned by the order of the brutal tyrant who is the first instrument and representative of the infamous, abolition, disunion party which holds the reins of power at Washington, to form many pleasant acquaintances, and some warm friendship. But of all with whom we were associated, none so won our regard as Capt. Michael Berry.

"He came to this country early in the present century, a poor, friendless, homeless Irish boy; but soon after his arrival he engaged as a cabin boy with a Connecticut shipmaster running a vessel between New York and Charleston. In the family of his employer he found a home where he was kindly treated and respectably reared and educated. He gradually arose from his first position to that of mate, and finally received the command of a vessel in the New York and Charleston line, and was the first to introduce steam in that line. He was ever a popular and trusted commander, never having suffered a shipwreck or lost a man from a vessel that he commanded. Such a favorite was he, that always when a new vessel was built and put into the line, he was given the command, turning over the vessel which he left to some other commander. When the present troubles broke out he was in command of the steamship Columbia, the newest and best vessel on the line. He was also a part owner, and had accumulated a handsome property, having considerable real estate in Charleston.

"For four months we were a room mate of Capt. Berry at Fort Warren, and daily and hourly during that period of trial and suffering did we have occasion to be thankful that we had such a companion to cheer our prison gloom and alleviate the hardships of prison life. A bluff, frank, manly sailor,

he was at the same time as gentle and tender-hearted as a woman. Generous, kind, considerate of all the rights and feelings of others, his heart instantly melted at a scene of suffering, and his purse was ever open and his hand ever ready to relieve and succor the unfortunate and distressed. In short—for we have not space to say more—he was the noblest man we ever knew.

"And this good old man is dead—has been killed by the tyrant who, without cause and without authority of law, had him kidnapped, and for six long months incarcerated in a military prison, from which he was finally discharged only to die.

"Capt. Berry was committed to Fort Lafayette on the 8th of October, from there was sent to Fort Warren with the other political prisoners the last of that month—and was discharged about a month ago. We saw, during the winter, that his spirits were failing and his physical system giving away under the confinement to which he was subjected, and the sense of wrong which was eating into his soul. We feared the consequences, and now our apprehensions are but too plainly realized.

"And why was this noble hearted old man persecuted and murdered? He was no politician—he had never cast a vote in his life—he had taken no part in the sectional troubles in which the country was involved. But private enmity and personal malignity marked him for destruction, and a pretext was found which brought the necessary order from Seward for his incarceration. It was charged that in March, 1861, when leaving New York harbor with his vessel, he raised the Palmetto Flag—the State Flag of South Carolina. The charge was true. But now for the explanation:

"It was a flag which he had used as a private signal and racing flag for fifteen years. Daniel Webster, Wm. H. Seward himself, and many other prominent men of the North had gone passengers with him under that very flag; and only two years ago, John A. Dix took passage with Capt Berry, to Charleston, on his way to Florida, whither he was hastening, with all possible speed, to the bedside of his sick wife, and was extremely anxious to reach Charleston in time to take the Florida steamer from there. Capt. Berry assured him that he should be put on board, or he would take him on to Florida himself. When they arrived near the port of Charleston, they found the Florida steamer just leaving, and had to give her chase, and finally signalled and brought her to with the same Palmetto Flag.

"Now what offence was there in raising the Palmetto Flag on the Columbia in March, 1861, more than at any other time? There was uninterrupted intercourse between the North and South. Vessels, passengers, and freight were allowed to go and come as before the troubles. The mails were still in operation between the two sections. And more than that, the Lincoln Administration was professing a peace policy, and assuring the country that there would be no war. When Capt. Berry left New York harbor on the occasion referred to, the steamship Yorktown, one of the New York and Richmond line, was just leaving port, and the two vessels went in for a trial of speed, and Capt. Berry, as in all such cases, raised the Palmetto Flag, and the Yorktown raised the Virginia State Flag. But both vessels had, at the appropriate and customary place, the United States Flag flying. This was all there was of it. The act was one of no political significance whatever. Captain Berry made several trips after that, and his vessel was not drawn off until the bombardment of Fort Sumter.

"Now mark—this was in March, and justice slept and vengeance did not strike till October, seven months after, during all which time Capt. Berry was openly in the City of New York. But then a leading Black Republican, who had a private grudge against the Captain, in consequence of his having detected and exposed him in some dishonorable act years ago—and who was probably the only enemy the Captain had in the world—told the story of the Palmetto Flag to Seward, and Seward, ever prompt and eager for new victims, had him kidnapped, and imprisoned, and resisted all appeals for his discharge, and there he was kept, dying by inches, till the Commissioners appointed by the Secretary of War visited Fort Warren a week since.

"As it was with Capt. Berry, so it has been with most of the political prisoners—they have been incarcerated upon equally groundless pretexts—and in most instances, as in his, at the instigation of private malice. How it was in this county, let the wretches whom we have in our eye, and who will yet be brought to a fearful reckoning, answer."

THE CONTEMPTIBLE AND TRIVIAL NATURE OF CHARGES AGAINST SOME MEN REMAIN AS MONUMENTS OF LINCOLNIAN FOLLY.

In *The New York Evening Post*, Oct. 3, 1863, we find an account of the arrest of what they called "a knot of cowardly traitors," "in the act of drinking the following infamous toast: '*Damn the goose that grew the quill that made the pen that wrote the Proclamation of Emancipation.*'"

Dr. L. M. Ross was arrested in Illinois, carried to Washington, and kept for months in the Old Capitol prison. The only charge against him was that he had been seen in the public street *to draw his finger under his nose.* This was suspected to be a private signal of a secret association, but it was subsequently proved that no such association existed. The Doctor learned, however, that in Mr. Lincoln's dominions a man cannot make free with his own fingers or his own nose without danger of months in the Old Capitol prison.

ARREST OF LADIES AT WASHINGTON.

On Tuesday, June —, 1863, the Washington gossips were furnished with a fresh subject by the arrest of three ladies—two of whom were the wife and daughter of a prominent officer of the Senate—while passing the Old Capitol prison, in which are confined the Rebel and State prisoners. One of them *raised her handkerchief to her face and passed it several times with rapidity over her mouth.* This movement was *observed by the guard*, who stopped the carriage and requested the ladies to alight. On being conducted to the guard room they were informed that they were *under arrest* for violating a public order prohibitory of any waving of handkerchiefs or making any other *signal* likely to be interpreted as a signal to the prisoners. The lady stated that *she had been eating oranges* and was merely *wiping her mouth.*

The mother and daughter were released on a promise to be careful not to violate the rule again. The other lady's case is as yet not disposed of.

The order is imperative on the officers to make such arrests.

[From the Columbus Crisis.]

THE CASE OF PETER HEFFNER.

We have intended several times to notice the imprisonment of Peter Heffner, an aged German, naturalized some dozen years ago.

Peter Heffner is a citizen of Meigs county, Ohio, and resides a few miles from Pomeroy, the county seat. By his own honest industry he purchased a few years ago a little farm, on which he resides. When the war broke out, a young German hired to work upon his farm, joined the regiment making up in that county, and went to the wars. Mr. Heffner himself had been a soldier in Europe, and served a full term in the army of his country.

During last summer Mr. Heffner was at Pomeroy with his wagon, and on his return home overtook one of his neighbors, an abolitionist, on foot, and invited him to ride in his wagon. While proceeding on their way, this abolitionist asked Heffner if he had heard from his young man in the army. Mr. Heffner said "no." The abolitionist then said that the young man was shot dead on the field in a recent battle. Mr. Heffner, in his very broken English, said, "Dat ish good," meaning, as he testified, and all the facts in the case corroborated it, that it was good that the young man was killed at once, instead of being wounded and left to suffer a thousand deaths, before his final death struggle. Mr. Heffner had been a soldier, and everybody knows that the soldier desires actual and sudden death in preference to mortal and lingering wounds.

But this declaration was enough for this black-hearted abolitionist—he had found a clear case of Democratic seceesh. Forgetting the kindness—as such scoundrels always do—of a ride home, he proceeded to enter complaint against Mr. Heffner, and had him sent to Camp Chase, where he remained in close confinement for "disloyalty" near two months! His crops went to ruin, and he lost a wheat crop, as it was too late to sow when he regained his liberty from the loathsome prison.

This old man fled from a land of despotism, as he supposed, to one of freedom, and found himself within the walls of a prison, on the false charges of a perjured villain!

MORAL.

A Democrat was punished and an abolitionist got a few dollars fees!

One of the Arbitrary Arrests.—The Utica *Herald*, one of the most abject apologists of arbitrary arrests, states the case of F. M. Ellis, of that city, who held a confidential post under government, the duties of which he fulfilled with remarkable fidelity, industry and tact. A subordinate official, to whom certain parties from prejudicial motives had made sundry charges, caused his arrest, basing their accusations upon certain documents found in his possession. When the time for the investigation came, it was satisfactorily shown that the documents were not legitimately held by Mr. Ellis, but they were actually requisite for the successful prosecution of his operations. *Yet he lay in prison three months, under this false charge.—Providence Post.*

David C. Wattles was arrested at North Branch, in Michigan, 23d November, 1862, carried to Fort Lafayette, New York, detained five months, and finally discharged. The following is from the *N. Y. Evening Post*, of April 24, 1862:

Another Indignant Fort Lafayette Prisoner. David C. Wattles, of North Branch, Michigan, who was arrested in November and sent to Fort Lafayette, was recently released, and on returning home amused himself by giving a long account of his experiences. We find the story carefully reported in the *Pontiac Jacksonian*, which paper says:

"On Monday of last week a commission, consisting of General Dix and Edwards Pierrepont, with a secretary appointed by the Government for the purpose, commenced what they were pleased to term an 'examination' of the political prisoners at Fort Lafayette. Mr. Wattles with nine others were first called up and asked the following questions:

"'When were you arrested?' 'Where were you arrested?' 'What is your age?' 'What were you arrested for?' These questions were each answered by Mr. Wattles, except the last one, which he informed them was one he was as anxious to have answered as they could be. After asking him if he sympathized with the rebels, and a few similar questions, the commission expressed themselves satisfied. Their secretary, however, was not so clear, and interposed to ask him if there was not a secession flag raised at North Branch, and if he did not participate in raising it? To this Mr. Wattles responded that he heard that Isaiah Butler had an old shirt which he had used in straining blackberry juice for wine making which he on an occasion exhibited as a secession flag, and that the story of this flag had travelled throughout the country, receiving additions as it went.

"This closed the examination, and Mr. Wattles was removed to the 'house of detention,' where he was retained until the day following, when he was again brought before the Commission and informed that he could have his liberty by signing the parole."

Malicious Arrests.—The Burlington (Iowa) *Argus* tells us of the arrest of three men in that county. The facts of the case were these:

A recruiting officer came to Rome after volunteers, and remained there some days. While there, he took occasion to abuse a certain Doctor White, formerly of that place, who had entered the Federal army, and was killed at Pittsburgh Landing,—stating that he was glad he was killed; that he was a secessionist, etc. These persons—friends of Doctor White—protested against such language. They said that White was no secessionist; that he was a Democrat, and had given his life for his country; and no man should call him a secessionist in their presence. Their feelings and indignation were aroused, and they told the officer that he must stop abusing Federal soldiers, or leave the place. With a malignity most devilish, this miscreant proceeded to Mount Pleasant, and told that he had been threatened and forced to leave Rome for recruiting for the Federal army, and had the three men arrested for discouraging recruiting. They were arrested and sent to this city, without a form of trial or an opportunity to prove their innocence.

Supposing that they would not be taken from the State without a trial, their counsel obtained a writ of *habeas corpus*, to have the matter examined and the men set at liberty. The writ was served on the

sheriff, and Captain Newton pledged himself to obey its commands.

But, instead of complying with their agreement, and obeying the writ of court, last evening, after dark, the men were taken to the river, put into a skiff, and taken across the river to the cars for Chicago, and sent forward to an Eastern prison.

The case is the most damnable one that has yet transpired in the history of this country.

THE TREATMENT WHICH AMERICAN CITIZENS RECEIVED in many of these cases, is illustrated by the following statements.

[From the Kennebec Courier, of January, 1863.]

"LIBERTY IN MAINE.

It will be recollected that Captain Asa Turner, of Brooklin, Maine, was arrested and imprisoned in Fort Preble, a few months since, on a charge of 'resisting the draft.' Captain Preble has lately come out with the particulars of his offence and arrest, which reveal a story of high-handed wrong and oppression which would elicit condemnation in a land of despots. It appears he had two sons drafted. One of them was of age, and the father did not interfere at all with him, but left him to decide the question for himself. The other, on account of physical impediment, was unable to do military duty. He endeavored to get them examined, but a Dr. Drinkwater (an abolitionist), examining surgeon, told him that he should 'pronounce them sound, examination or no examination.' He said to the orderly sergeant that the youngest boy, not of age, should not go without his consent, as he did not consider him capable of doing military duty. This constituted the offence for which Captain Turner was dragged from his home and consigned to the tender mercies of a set of scoundrels who treated him like a brute. Captain Turner relates the circumstances as follows, and it is enough to cause the blood to boil with indignation.

"STATEMENT.

"I returned home to get help about mending my nets, &c., where I stopped for a day or two, and then, taking my sister, who lives with me, and a Mrs. Wilson, my partner's wife, and a boy to assist in rowing the boat, I started for the Island, but had not proceeded over three miles, when a boat containing six men rowed across the bow of my boat, and Nutter, who was one of the six, called out to me, 'You are my prisoner;' and like tigers on their prey, three or four bounded into my boat and on to me, and cursing and swearing, dragged me from my boat to theirs, and shoved me under a seat, when, taking my boat in tow, they pulled for the shore. I was then taken from the boat and *heavily ironed*. I demanded by what authority I was thus seized and brutally treated; was I guilty of any crime? Thereupon Nutter produced a paper, purporting to come from *Hodgdon, the Adjt.-Gen. of the State*, and proceeded to read. It commanded him to take my two sons and one Samuel E. Wilson, and take them to Bangor. My name was not mentioned. I asked him what that had to do with me. He replied *enough*, and said he should take my sons *dead or alive*. They were then about starting to take me away, when I requested to be allowed to send word by my sister to my family, that they might know where I was gone, and about my business, but this was peremptorily refused. After taking supper at Sargeant's, they took us directly by my house, not allowing me to speak for a moment to any one, to the store of Merrick & Reed, where they stopped with me for two or three hours, and then to Nutter's house, where we remained for the night.

The next day I was taken to Bucksport, where we stopped all night, being again ironed before starting. I have a sister residing in Bucksport, but was not permitted to see her, although bonds to any amount asked were offered for my appearance at any time they should mention, and at any place, if I could be allowed to go, either alone or under guard, to her house. I told them I wished to get some decent apparel before going further, as I was taken in my working clothes, and it was for this I wished to go to my sister's; but it was of no avail, they would not allow me to go. The next day I was taken to Bangor, where I remained at the barracks, under guard, till the next morning, then taken handcuffed and carried to Augusta by cars. By this time I was barely able to get one foot before the other. The treatment I had received, and the exposure had produced cramp colic, but notwithstanding I was suffering extreme pain, I was not permitted to have the irons from my hands, or to get anything to relieve me. At Augusta, I was taken first to the capitol, where I was exhibited to those in authority, and ordered to be lodged in jail. In the jail and the key turned, I was relieved of the irons, and sick and scarcely able to stand, I was immediately locked in a cell, where I found, TO ME IN SUCH A SITUATION, a more comfortable bed. The next day I was handcuffed by a Deputy U. S. Marshal, called Woodward, and taken to Portland and lodged in jail.

When taken from the jail in Augusta I was still suffering from the colic of the day before, and on my way to Portland, in the cars, the diarrhœa set in, when Woodward kindly consented to remove ONE handcuff. I remained in the jail at Portland two days, when I was taken to Fort Preble, and kept under guard two weeks and then released. I never made any threats to any one that I should resist the draft. I never procured arms or ammunition for that purpose, and the statement in some of the prints that I had guns for this purpose are base fabrications. This was my "resistance to the draft." For this, as alleged by the newspapers (I know nothing of my offence except what I have seen), I was brutally dragged from my home and family, denied counsel until my lodgment in the fort, or even an intercourse with friends, handcuffed like a felon, and treated in a manner that would cause a demon to blush if compelled to use such treatment; provided with no charges, and confronted by no witnesses; shut up in a fort under guard for two weeks, and then mysteriously released, to be told by the newspapers that the truth of the charges preferred against me were sufficiently established but that the process under which I was arrested was "irregular;" yet we live in the nineteenth century, in a land where constitutional liberty was bequeathed to us by our fathers, and, as I supposed, where a citizen could not be deprived of life, LIBERTY, or property without due process of law. From early boyhood I was thrown upon my own resources for support, and at the expense of my constitution I have earned an honest livelihood for myself and family. Feeble in health, I have not many years to live, but God grant that in the few years that remain to me I may see the once glorious Union restored, the Constitution obeyed and

respected, and liberty of speech, freedom of the press and the person from unjust and 'irregular' arrest and imprisonment, once more established.

ASA TURNER."

Hon. HENRY CLAY DEANE, arrested at Keokuk, Iowa, May 13, 1863, thus describes his treatment:

After my arrest at the house of Judge Clagett, I was placed in the front of the crowd, with a low-bred, insolent man, who commenced asking me insolent questions, which I of course took no notice of. After hurrying me through several streets, at length a hollow square was formed, where I was threatened, taunted, and insulted for a full half hour. I was first informed that death was entirely too mild a punishment to be administered to a "Copperhead," who, in the choice language of their newspaper, was "foolhardy and demented enough to venture through Keokuk."

The soldiers were all strangers to me, and were led on and prompted to their action by a Puritan clique who had an unsettled account with me for some very candid talk about the year 1860, when I was a candidate for elector of the State at large on the Democratic ticket, headed by the name of Judge Douglas. These benevolent men thought nature at fault that she had not endowed me with four separate and distinct lives, that each of them might be entirely gratified in having me put to death in his own choice way. On the outside of the crowd there stood a merchant of thin visage, sharp nose, red head, and exceedingly thin lips who cried out at the top of his voice "He ought to be drowned, seeing the Mississippi is close at hand," when there went up a yell, "Drown him." "Drown him," "Drown him." Near by another of the malignants spoke up and said: "Drowning was entirely too easy and speedy a death for a Copperhead," and cried out "Hang him, hang, hang him!" Still another commenced, and the cry went up, "Shoot him," "Shoot him," "Shoot him."

A fourth, with the murderous laugh of a Pawnee, said burning would better measure out the allotted punishment, lengthen the scene of enjoyment, and minister more thoroughly to the gratification of the executioners. This gentleman found no response. Every manner of insult and opprobrious epithet was used to jeer, to mortify and offend.

After being thus brutally treated, I addressed the crowd for some moments, and told them I had been sick for nearly a week, was then taking medicine, and desired a place to be at rest. After much parleying, yelling, and coarse insult, I was marched down to the office of the provost marshal, and there commanded by this young man, Ball, to strip myself stark naked, which I had to do in the presence of a large crowd, and remaining in that condition for fifteen minutes, while my clothes were searched, and each one of the party had taken his full liberty in about the same kind of jesting that had occurred in the street, except that it was coarser and broader in the room. I told this young man, Ball, that I had understood that he was an officer, educated at West Point, from which I inferred that he was a gentleman. He informed me, to my surprise, that he was not a West Pointer, which I placed to the lasting credit of that institution. After I had been allowed to put on my clothes, my carpet-sack was sent for to the hotel, carefully searched, and my private letters and papers read aloud in the presence of the crowd, open to the inspection of everybody. The letters of my wife and my business papers were jumbled together, and my knife and other articles taken, which I have never been able to recover.

After all this was over, Mr. Ball sent some one of the crowd to inform the soldiers that he would assure them that I would be severely dealt with, and they were permitted to retire.

I was soon lodged in the guard-house, where there was neither chair, stool, table, nor stand. Sergeant Newport kindly furnished me a cot. One filthy towel was the wiping cloth for a large body of men, some with sore, diseased and scrofulous eyes. I cannot better describe the place than I have done in a brief sketch which I wrote in it, and which Sergeant Newport, in the presence of John H. Craig, Esq., and Judge Trimble, declared was true to life; and I take here great pleasure in stating that Sergeant Newport, and every other soldier of the provost guard, treated me with civility, courtesy, and respect, for which I am grateful.

[From the N. Y. Express, Dec. 15, 1862.]

NEGROES IN FORT LAFAYETTE.

There have been two rebel negroes in Fort Lafayette,—one, by the name of Stephens, who was taken for running the blockade. He was let loose some time since. The prisoners, more or less, often wrote to the officials in Washington, asking what they were confined for, but they got no answer. Stephens wrote, among others, and got no answer. At last, one of the prisoners said—"Stephens, write; tell them you are a colored man." Stephens *did* write; did say he was a colored man,—and in a very short time a letter came back from the Judge Advocate, opening the doors for Stephens, the colored man. *The negro was the only prisoner that could get an official answer from Washington.*

There is another rebel negro there, named Robinson. He was taken in running the blockade, as pilot or cook. He declines writing a letter to say he is a colored man; and hence, it may be, he is continued in prison. He considers it beneath his dignity to take the oath of allegiance or to write to Washington.

Conscious of the crimes they were committing, and fearful of the personal retribution they might sometime receive, these evil doers tried to force and often forced from their poor victims (when the prison doors were opened, and they were permitted, after months of languishing, to go forth again) the following oath:

COPY OF OATH AS ADMINISTERED.

I, —— ——, of ——, do solemnly swear that I will support, protect and defend the constitution and government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or Legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge and purpose, without any mental reservation or evasion whatsoever; and further, that I will neither enter any of the States now in insurrection against the authority of the

federal government nor hold any correspondence whatever with them or with any person in them during the present rebellion, without permission of the Secretary of War, and that I will in all things deport myself as a good and loyal citizen of the United States and that I will not, at any future time, commence or cause any action or suit against the officers of any loyal State or of the United States for causing my arrest or imprisonment, so help me God.

Sworn to and subscribed before me, this 11th day of November, 1862.

L. C. TURNER, Judge Advocate.

CHARACTER OF THE PRISONS.

[From the Columbus (O.) Crisis.]

HORRIBLE DISCLOSURES IN RELATION TO A POLITICAL PRISON.

We speak wholly of the *political* prison, the prison of State, as we know nothing whatever of what occurs in the prison where "rebels taken in arms" are kept—that is, "the prisoners of war."

It must not be forgotten that there have been from six to seven hundred political prisoners at Camp Chase at a time; and although several hundred have been lately discharged without trial, there are yet there some four hundred—one or two hundred of those have arrived there within a few days past from Kentucky and Western Virginia. These men are taken from their homes, some from their beds at night, some from their houses in daytime, and a great many of them are picked up in their fields at work, and never suffered to see their families before being spirited off to Ohio and incarcerated in this celebrated Bastile, which will soon be as famous as Olmutz itself.

Our Ohioans are put into the same prison with these men from other States, and from them we have learned some facts which the people of Ohio ought to know. Many of these men have been kept in this prison for over one year, a great many for five, six, seven and eight months, without even seeing outside, or being allowed to communicate personally with any one, not even wife, child, father, mother, or stranger.

They are furnished with nothing but a single blanket, even these cold nights, unless they are able to purchase additional comforts with money they may be able to command. Many are poor men; and unable to purchase: they were not permitted to bring along a change of clothing, and many had on when seized nothing but summer wear, and that has become filthy, worn out, and scarcely hangs upon their backs.

They have no bedding, and are therefore compelled to sleep on the bare boards. They have not enough wood furnished to keep fires up all night, and hence the suffering is intensified by the cold weather. If they attempt, after night, to walk out in the yard to take off the chills of the dreary night, they are instantly threatened to be shot by the guards, as ordered by those in command.

Dr. Allen, of Columbia county, Ohio, said he laid on a bare board until his hips were black and blue. The wood furnished them is four feet long, and they are compelled, each mess, to chop it up for themselves. Recollect, always, that these are political prisoners, against whom no one appears as accuser, and no trial is permitted.

The prison has become filthy—awfully so—and the rats are in droves. If the prisoners attempt to kill one of these rats, they are forbidden, and threatened with being shot instantly. Recollect, always, as we said above, these are political prisoners, against whom some malicious negro-worshipper has created a suspicion of disloyalty, but whose name is kept secret, and hence there can be no trial.

The prison is perfectly alive with lice, and no chance is given to escape the living vermin. A dead man, one of the prisoners, was the other day carried out to the dead yard, and laid there over night, and when visited in the morning by other prisoners, who heard there was a dead man there, they found the hair on his head stiff with lice and nits—the lice creeping into his eyes in great numbers, and, as he lay with his mouth open, the lice were thick crawling in and out of his open mouth.

Not long since two of the prisoners got into a scuffle in trying their strength, and finally into a fight, as was supposed, and several other persons rushed to part them, when the guard from the lookout above fired on them, killing an old man by the name of Jones, from Western Virginia, and a ball grazing the skull of another, he fell, and it was supposed at first he was killed also; another of the balls passed through a board at the head of a sick man in the hospital, and only escaped him but a few inches. Two men in the scuffle were not hurt.

We might go further, but God knows, this is enough for once. It is enough to make one's blood run cold think of it.

Now, if any one doubts this—if the authorities at camp or at the State House doubt it, if the Legislature when it meets, will raise a committee, we promise to name the witnesses who, if sent for, will, under oath, prove all this, and as much more, some of which is too indecent to print in a newspaper for the public ear.

We do not bring these things to light for any other purpose than an act of humanity, out of respect to the fair fame of Ohio, and to direct public attention to them that the brutal authorities of that camp may have justice done them. The commandant of the camp is himself a member of the Ohio House of Representatives. He will no doubt appear on the first Monday of January to take his seat. Let him answer to his peers on that floor—let him answer to his constituents who elected him—let him answer to the whole people of Ohio, if he dare, whether these things are so or not. Heaven be blessed if any modification can be put upon these transactions—any excuse of the most trivial nature, by which the fame of Ohio may be vindicated from the crime and stigma which otherwise must go down to all time upon the pages of our history. * * * * * *

The officers in charge of prisoners, hit upon the plan of making a speculation out of them at the same time, as some of the prisoners were among the wealthiest men of Kentucky and Western Virginia, and some, we believe, all the way from Tennessee. The plan was arranged and carried out in this wise:

A man was put up on the parapet on guard (at night) where he could hold conversation with the prisoners. He would agree with them that for a certain consideration in money he would fix a plan for their escape. As they all wanted to get out of such a place as speedily as possible, some of whom

had been there for a year and no prospect for a trial or release, the prisoners bit at the offer ; and a certain hour the next night was fixed on for their exit. One of the prisoners gave the guard twenty dollars and a gold watch ; what others gave we never learned. At the time fixed an outer plank was pryed off, and the night being very dark, they commenced issuing from the prison. But before they had got many yards they heard a command given ; and instantly sprang up before them from the grass a file of soldiers, and click, click, went the rifle locks, and they were, all who got outside, brought up standing at the point of bayonets and cocked rifles and hustled back to prison !

The men who entered into the arrangement, and paid their money and gold watch, were punished by forty-eight hours in the dungeon, and the money and watch never returned ! Not even when they were discharged, which most of them were, because there were no charges against them.

[From the Sentinel, Indianapolis, Oct. 31, 1862.]

POLITICAL PRISONERS.

In the Government post-office building in this city seventeen persons are confined for alleged political offences. They were arrested upon affidavits made in some, if not all the cases, by partisan and personal enemies, upon which they are deprived of their liberty without any means of redress ; without the opportunity of disproving the charges made against them through the judicial tribunals of the country, a right guaranteed by the Constitution and which should be held sacred. If guilty of any crime against the Government these persons should be punished. If they have violated the law they should suffer the penalty therefor. But it is palpably unjust that citizens should be taken from their homes and business and incarcerated in a prison for weeks and months for alleged political offences, and denied the privileges granted the meanest criminals in the land. Three of the prisoners have very comfortable quarters, but fourteen are confined in cells built for criminals. In one cell, a small room, nine are confined, and in a still smaller one are five. Neither of them have side windows, but light and air comes through a skylight in the roof. Here they eat, sleep and live, shut out from the world, and only permitted to see the light of heaven through the small opening in the roof. Under no circumstances are they permitted to leave their cells, and before the iron grated door of their prison house, securely fastened, armed sentries, day and night, watch them. One prisoner, who came here sound in body and mind, for some days was insane through the effects of his confinement. Who two years ago would have anticipated that such arrests would have been made? Who would have thought two years ago that the President would have brought all the people of the United States under martial law, to be administered at his own discretion, and that in our magnificent Post-office building, in a State loyal to the Government and in which the administration of the civil law has never been obstructed, seventeen of its citizens would be confined, deprived of all their civil rights ?

[From the New York World, Sept., 1862.]

THE PROVOST-MARSHAL AND CELL NO. 4.

We rather tire of Secretary Stanton and Fort La Fayette ;—will our readers excuse us if we put them off this morning with Provost-Marshal Kennedy and Cell No. 4 ? A glimpse of these remarkable objects is offered in another column. They are not an agreeable picture, we admit. And yet there can be no understanding of the full depths of the infamy to which our good cause has been sunk by official folly and wickedness, if we leave the Provost-Marshal and his methods out of view.

Now it is generally imagined that torture was done away with, among the English-speaking race, a good many hundred years ago, even in the case of *convicted* offenders. The common law discouraged it ; positive statutes prohibited it. The tenth article of the Bill of Rights under the Restoration, provided against "crnel or unusual punishments." The coronation oath imposes it as an everlasting obligation upon English sovercigns to execute justice *with mercy*. Inquisitorial torture, inflicted *before* the guilt is established, has been even more opposed to the Anglo-Saxon spirit. It has been treated almost from time immemorial as an utterly barbarous and unconscionable resort. Even the old Roman pagans had enough of the same spirit to confine the criminal *quaestion*, as it was emphatically styled, to slaves ; and as long as the faintest remembrance of the national dignity was kept alive, they would never consent to violate the sacred person of a citizen, till they possessed the clearest evidence of his guilt. But American citizenship, in these days, has no immunities. There is no ignominy to which, in these parts at least, it is not exposed. We are simply indebted to the sovereign grace of the Provost-Marshal if we breathe this upper air at all. "In the palace lives a man who can cut my head off," said Quenay, describing the guarantees of Louis Fifteenth's monarchy. *At the corner of Elm and Broome Streets sits a man who can put us in Number Four*, sums up our own condition.

Provost-Marshal Kennedy, some fine summer morning, sends his detective commanding you to repair to his presence. Useless to question. Your business is to go. You accompany the officer. Ushered in, you find yourself called to account for some thoughtless word or act that may or may not have come from you. Be careful how you bear yourself. Answer promptly and humbly. Don't let any of your father's blood in your veins ruffle you. Though you are not wont to be catechised in this curt, imperious style, you must forget all that. This is a Provost-Marshal, remember, Try to be meek. Study to please. Help him to magnify his office. Perhaps he will be good to you, and, when he has finished, graciously bow you off to a room that a Christian man can manage to live in for a few days and nights. If, on the other hand, you chafe under his questionings, or in any wise fail in deference, or if you do not confess up to his expected mark, he will probably make short work of you. You are booked for Number Four. You need not expostulate. "That 's all, Sir." A wave of the hand ; a word to the officer ; and there you are, a subterranean.

Well, the iron door closes upon you. Now grope. You can't go foul. Three feet by six is all the measure. Don't trouble yourself about the furniture. A plank shelf for a pallet, a pine block for a pillow, a dipper and a water waste—that is the sum total. Are you alone ? You are in luck. You should know that there have been as many as three men of your size—and you know you are

several sizes larger than the Provost—accommodated here at one and the same time, two sitting on the plank, and the third face downward on the floor. Now you have a chance to reflect upon the glorious blessings of constitutional government and the inscrutable dispensations of Provost-Marshals. No you haven't. Oh horrors! The swarms are upon you. Your flesh quivers. Your blood burns with poison. You are driven half mad with agony. You faint with heat. You gasp for air. Ah; you begin to understand now what meant that last vindictive look You are getting a glimmer of what it costs to cross the humor of a Provost-Marshal. No danger now but that you will please him. To go from that den you would creep to his very feet. But be not impatient. Endure as you can. There will be no hurry to release you. You have not only to learn your lesson, but you have a little penalty to pay for your contumacy. Men no worse than you have been kept here for hours, nay days. Provost-Marshals are not so easily propitiated.

We may talk as we please of the thumb-screws, jack boots, wheels, racks, pinchers, and all the paraphernalia of mediæval persecution—they were all an infinitely more respectable means of propagating the true faith than this unutterable abomination which is used against political heretics, or those suspected to be such, in this so called land of freedom. Torquemada tortured, but he did it in a clean, gentlemanly way. He was content with ingenious applications of wood, and iron, and fire, and water. Fanatic as he was, he never degraded his cause by making loathsome vermin the ministers of its vengeance. It has been reserved for Provost-Marshal Kennedy to bring into requisition this new sort of *peine forte et dure*—the old anguish made all the more intolerable by an overpowering disgust.

In the name of American civilization, we protest against it. It calls for the execration, we will not say of every loyal but of every decent man. It is bad enough that we should be subjected to the arbitrary will of an officer unknown to the laws, however discreetly that will might be exercised; bad enough, at best, that we are hourly exposed to summary arrests, and commitments, and imprisonments, without bail, without trial, and even without offence:—but when it comes to this, that American manhood is made the prey of the vilest of creeping things, deliberately and expressly for inquisitorial purposes, it is adding to the lowest deep of ignominy a yet lower deep, which we are worse than slaves if we endure. Consent to such treatment forfeits not only our claims as freemen, but our titles as men.

ANOTHER ACCOUNT OF CELL NUMBER FOUR.

[From the World, September 12th, 1863.]

REFUSING TO GIVE A NAME.

Upon another occasion an individual was brought in for refusing to give his name to an enrolling officer.

Provost-Marshal—"What is your name, sir?"

Unknown—"Well, I declined to give my name there, and I think I shall here."

Provost-Marshal—"Oh, you think so. Now I'll tell you what I think. I think you'll give it before you've been here a great while.

He sprung the bell again.

"Here is a man who won't give his name. Take him down and give him number four. He will probably give his name before many hours."

The young man, who was not above twenty years of age, seemed like a person hardly *compos*. He was pale-faced, and gaunt-looking, was seedily dressed, and had the appearance of having just come off a night's debauch. He was taken down to the detective office, again interrogated, and again declined to give his name.

"Give him number four," said the officer in charge, and he was at once seized and hurried off to the fated locality.

NUMBER FOUR.

Horror of horrors. Possibly no place since the black hole of Calcutta or the prison hulks of the Revolution could compete with cell number four at police headquarters.

Under the reign of the provost-marshal it became part and parcel of the machinery of the office, and was used as occasion called to hold fast the worst class of the prisoners arrested, or such as were considered the most flagrant cases.

Passing through the outer room of the detective office in the basement, you come into the sitting room—a close, badly ventilated chamber—the larger half of which is underground. Midway in the room at the right is a small half glass door cut in a partition, through which you enter upon a narrow corridor facing four small cells. These are numbered, beginning at the south end, one, two, three, four, the latter being at the extreme right as you enter the corridor, which is scarcely wide enough to admit the passage of a man.

The sides of cell number four are ceiled up with boards to the top. It is about three feet wide by six in depth. A stationary board fifteen inches wide is put up on the right hand for a sleeping pallet, and a three-cornered pine block, fastened at one end of the board, serves as a pillow—there being neither bed clothes, mattress or straw. A water waste and dipper in one corner completes the furniture of the cell. The sides of the place are thickly coated with whitewash in the vain effort to purify it. The door is composed of iron bars about one inch in width, and a quarter of an inch in thickness, arranged crosswise, so as to intersect each other at every two and a half inches. At the top is a small aperture eight inches square.

The entire place swarms with vermin. In dog-days, when the cell door was shut, and the door and windows leading to the outer apartment were closed, the atmosphere was stifling in its character, while the vermin ran riot over the unfortunate victims, who could neither lie down nor sit down from very agony, sometimes imploring in heaven's name to be let out, if only for a few moments. In the hottest weather of the season three persons have been confined in this cell at once, two of them sitting on the board and the third lying at full length on his face upon the floor, and all evidencing untold horror and misery.

Sergeant Young has often given directions to have the prisoners taken out at night, and allowed them to lie around on the floor of the outer room.

HOW THE UNKNOWN FARED.

The individual above alluded who would not give his name, was put in No. 4. The door of the

cell was shut and bolted and the outer door was closed also, although it was one of the hottest days of the season. In fifteen minutes his cries were heard, the door opened and he was found in a profuse perspiration with the vermin crawling over and tormenting him.

"For God's sake let me out of this," he said, "and I will do anything you want."

The man or beast that Number 4 cannot tame is beyond the reach of the most injurious torture. Every delinquent who is alluded to as an atrocious villain, is wished no worse fate than incarceration within its walls. "Number 4" is a by-word among the officers and frequenters of headquarters, and is promised as a sort of bugbear to such inmates of the detective office as behave themselves unruly.

One of the individuals who had been arrested for some criminal offence, upon reading an account in the paper of a Rebel victory, laid the paper down as if in disgust, and remarked, "That's the way with our boys, just prick 'em and they run." The words were reported up stairs and the order came down.

"Place him in number four. He will be pricked where he can't run."

The history of this awful receptacle for prisoners can never probably be fully told; and we have only briefly sketched it to show some portion of the machinery used in conducting the business of the provost-marshal's office.

From the Rochester Union.

AN ARBITRARY ARREST.

On Thursday last, a citizen of Canandaigua was riding from this city home in the cars, when he engaged in a political discussion. Being a Democrat, and disapproving of the policy of the Federal Administration in some particulars, he expressed his opinion freely, as he had a right to do. He did not say that President Lincoln was a traitor and deserved hanging—he did not want to push home the charge of treason upon the President—in fact his language in expressing his views of the policy of the Federal Administration was not personal upon the President or calculated to beget disrespect for the man—as is that of the radicals toward Governor Seymour. But the indignation of two men wearing shoulder straps was aroused. They had heard about the suspension of the habeas corpus and concluded that they had a right to arrest a citizen, if they thought he ought to be arrested, and lock him up. So they took the gentleman aforesaid into custody and carried him to Geneva. He made no resistance, and when he reached Geneva was ready to be locked up or otherwise disposed of as his captors might think proper. He presumed that they were acting under Lincoln law—which has displaced all others—and to resist would be rebellion and tend to anarchy, which, as a loyal Union man, he could not engage in. At length somebody advised these military chaps that they had been too fast in making the arrest, and might get into difficulty. Thus alarmed them—as it naturally would men who had taken the course they had—and they sought to get rid of their prisoner. They gave him an opportunity to run away, but he would not do anything of the kind. If he was a prisoner he would remain so till legally discharged. He would not go home a fugitive from custody or by stealth. These fellows, finding that their prisoner would not escape, resolved to run away from him, which they did. They went with him to a saloon to take a drink before taking him to the guard house of the camp, while he was there they skedaddled. The prisoner made diligent inquiry for his custodians, and remained on the spot where they left him until he became satisfied that they had given him the slip, and then he returned by cars to Canandaigua.

American citizens of the State of New York must hear the Executive of this great State denounced as a traitor and threatened with death by the friends of the National Administration, but if a friend of the Governor, elected by a majority of the people of the State, only a year ago, ventures to express an opinion adverse to the policy and some of the acts of the President, he is liable to summary arrest and punishment without the benefit of trial by jury or the *habeas corpus*. Is not this humiliating, and is there a people anywhere but in this country, who would submit to this humiliation? The fact that our people will bear such indignities—such oppression and injustice—proves that they are capable of self-government, and ought to make every man contend still more for the preservation of the Union and the Republican form of government under our Constitution as it is.—*Sept.* 1863.

THE PRISONERS AT FORT LAFAYETTE.

THE DOCTRINE OF NON-INTERCOURSE.

Lieutenant-Colonel Burke, the efficient commandant of Forts Hamilton and Lafayette, thoroughly understands his duties respecting the strict guardianship of the rebels and traitors under his charge. A day or two since a gentleman of this city went down to Fort Hamilton with a note from an official source, asking the Colonel "if his duties would permit" to allow the bearer to visit Mr. ——, one of the most distinguished guests of the nation at Fort Lafayette.

The Colonel knew his visitor to be as loyal as need be, read the note, and then said:

"My dear sir, I would give twenty dollars to see Mr. —— myself. He was formerly an old and esteemed friend of mine, and I should be delighted to pass an hour with him; but my official position and my orders forbid such an interview. The only communication I have had with him has been through one of my officers. Only yesterday his sister came here with a priest and begged permission to see him. The family is Catholic, and I am a Catholic myself, but I was obliged to refuse their application. *No one*, except the proper officer in charge, can have any intercourse with my prisoners.

Just then the mail from the city was brought

into Colonel Burke's office. There were twenty or thirty letters addressed to the prisoners. Colonel Burke looked them over and picked out one. "There is a letter for Mr.——, and I know the hand which addresses it; the letter is from his sister, but I cannot send it in to him. As you know the family, you may open and read it. I shall be obliged to; as I open all letters which come to or from the prisoners. Their family letters I glance at, and if there is anything important to communicate, the purport of the letter is sent to the person to whom it is addressed. My orders with regard to the prisoners are very strict, and I obey them."

"May I leave my card for Mr. ——?" said the visitor. "Certainly, you may write him a note, if you wish. The visitor wrote a note, merely stating that he had called, &c., and Colonel Burke sent it by a sergeant.

"It must be very much like state prison over there." "Oh, no," said the Colonel, "the prisoners have nothing to do, plenty to eat, plenty of air and exercise. They have the run of the fort at proper hours. Do you see that man leaning against the doorway?" "Yes." "Well, let me get the glass, I think that is Mr. ——." He looked, handed the glass to the visitor, and it was Mr.——. The visitor returned to the city, with the following consolation from the Colonel: "Well, you came down to see Mr. —— and you have seen him." And the Colonel bade his visitor a courteous farewell.—*Evening Post*, September, 1861.

A GOOD DEAL DEPENDS ON YOUR COLOR.

In the Senate of the United States a few days ago, Mr. Saulsbury, of Delaware, a Democrat, offered a resolution, calling on the Secretary of War to inform the Senate whether Dr. John Lane and Mr. Meredith (*white men*) citizens of Delaware, had been arrested and imprisoned, what charges were made against them, and all the papers relating to their arrest, &c.

This resolution was "LAID OVER," which means it was REJECTED.

On the same day, Mr. Sumner, of Massachusetts, a Republican, offered a resolution that the Secretary of War be requested to furnish the Senate with any information which he might possess with reference to the sale into slavery of freemen (*black men*) captured or seized by the rebel forces, and state what steps have been taken to redress this outrage on human rights. This resolution was adopted.—*Dec.* 16, 1862, *Hartford Times.*

LIVING IN FORT LAFAYETTE.

Rats are abundant in Fort Lafayette. It is stated that as the unfortunate prisoners lie in their uncomfortable cribs, at night, they are literally covered with the disgusting vermin. One case is reported, in which the unhappy occupant of one of the cells was aroused by a nightmare, to find six of them revelling upon his breast, and of another who felt something nibbling at his pedal extremities, and, immediately kicking a rat was thrown to the ceiling, and fell with a thud to the floor. This is a part of the punishment inflicted by a paternal government upon those who incur its *suspicion* or the enmity of its subordinates, not a single prisoner of that fortress has been confronted by his accuser, or tried by his peers. Many have languished there almost from the beginning of the war.—*Boston Courier.*

THE PRESIDENT AND LIBERTY.—The *Evening Post* favors the country with the following astounding piece of intelligence, which the "order" of Mr. STANTON, this day published, partially confirms:

"The President is fully convinced that the sense of the country is overwhelmingly against anything savoring of tyranny or of a military despotism."

Is he, indeed! After eighty years of American liberty and independence, a lawyer from Illinois, elevated to the chair of WASHINGTON, has actually learned that "the sense of the country" favors freedom, and is not altogether indifferent to justice and the laws! Had an enemy put this scorn upon us it had been easier to bear. But that an American journal should thus, in the language of a court flunkey, record the shame of the land, is almost too much for mortal patience.

Quite too much for mortal patience, a trial beyond all imagined for JOB, is the same journal's explanation of the process through which this light has reached the presidential mind:

"Some of the arrests made have been unnecessary and unjust, and the Administration has suffered for its mistakes."

The "Administration has suffered," mark you—not the American citizens "unnecessarily and unjustly arrested;" not American liberty indecently outraged; not the American name made a laughing stock and scandal of the world, but the "Administration!" The temporary servants of the people have been made to tremble for their wages; the intriguers of party for the success of their schemes.

Can the force of bland unconscious baseness further go?—*World, Nov.* 24, 1862.

The growth of this monstrous system of despotic power in America has astonished the world. To the disgrace of the American name, Mr. Seward, Secretary of State, boasted to a foreign minister, an Englishman, that he had but to touch his little bell and arrest a man in any part of

America. This boast, from an American to an Englishman, will live in history as an evidence of the debasement to which radicalism can bring a people once proud and strong in throwing off a British yoke to establish free institutions.

We have given the faintest outline of the history of despotism in America. The particulars of hundreds of cases might be given, showing the atrocity of the whole system, men were often called from their beds in the middle of the night, to the front door, dragged into carriages, and taken away, without being allowed to communicate with wife or children, leaving their families in total ignorance of their fate.

During all these years the courts were open, and justice might have been administered according to the Constitution. There was no possible excuse for substituting the will of the President for the arm of the law. However guilty a man was, he could and should have been dealt with according to the Constitution and laws of his land. The fact that of these thousands of men seized and imprisoned, no one was ever indicted, no one ever confronted with the witnesses against him, no one ever tried by a jury, this fact abundantly shows the innocence of the suffers, and the gross violence done the Constitution by one who had sworn to support it. But lest our opinion be called partisan, we quote the letter of a distinguished jurist of New York, a Republican in politics, with which we conclude this tract:

LETTER OF A REPUBLICAN JUDGE.

LETTER FROM JUDGE GOULD, OF NEW YORK.

The letter following sufficiently explains itself. It was sent to the President two days after its date by a friend of his, who afforded the first opportunity that could be relied on to insure the delivery to the President in person, and it was so delivered. It was read, and a verbal reply that the case would be investigated was given. But no pretence was made that the cause for the arrest was not correctly stated in my letter.

Though the claim to "investigate" by means of an arbitrary arrest, personal duress, and whatever secret appliances a Cabinet inquisition might see fit to resort to, was reasserting the right so to arrest for such causes, and thus was a claim as utterly at variance with all law, as would have been the similar arrest of a man who (in New York) had picked the Secretary's pocket, still steps were taken to present the case again to the President and the Secretary, through their personal and political friends (and they in high position), in the hope of obtaining redress without publicity.

But as up to this time (after nearly three weeks) nothing has resulted, except an infamously rigorous imprisonment of Mr. Tracy, forbearance has reached its limit. It is highly important that the people should thus and now have a specific statement, showing the enormity of actual oppression exercised in this case, as a warning to them and to the Administration.

Yours, &c., GEO. GOULD.

Troy, N. Y., *Dec. 4th*, 1862.

JUDGE GOULD TO MR. LINCOLN.

New York, *Nov. 14th*, 1862.

To his Excellency Abraham Lincoln, President of the United States:

Sir:—On my arrival in this city, from my residence in Troy, N. Y., I find that a cousin of mine, G. Golden Tracy, a broker of this city, has been, first, arrested and sent to Fort Lafayette; and secondly, to-day taken as a prisoner to Washington. The newspapers say—and so far as I can learn by all inquiries of authorities, I can hear nothing different—that the cause of the arrest is some dealings he had had in contractors' drafts on government officers for moneys; and, it is said, some frauds were committed in or by the drafts, and he is charged with complicity therewith.

If this be so, it is a crime cognizable by the courts, and only by the courts. And I am amazed at the fatuity of public officers who can take no warning from the distinctly uttered voice of a free people.

I am, and always have been, an unwavering enemy of this rebellion—(cursed in its origin, most accursed in its progress)—and a supporter of the Administration. I am a judge of the highest court of this State. And if no honest voice has yet reached the ears of our Government, I wish to say, and to be heard in saying, that Star Chamber process and Secretary's warrants are dangerous instruments to play with, and that, among us, the true, staunch supporters of the Government, who would crush treason with the iron heel, but who know the law, are compelled to hang their heads in silence at the mention of cases which have occurred in our midst.

Spies are hardly cautioned when they are where they can do infinite harm; but a powerful hand, and an oppressive one, is laid on a person here, who is not in a position for doing mischief if he would, and who is supposed to have no friends.

In this respect, I thank God, there has been a mistake. It is true that he is a young man, of not much means or influence; it is also true that he has a young wife (married not long since); and for no assigned cause, and for no assignable cause that those in power dare to give breath to, he is taken away from home, without giving to his wife an instant's interview or a chance to see him. Is this country the France of a century ago?

The young man is the grandson of that Uriah Tracy, who lived and died a Senator of the United States from Connecticut, who was the first man buried in the Congressional burying ground at Washington, and whose ashes are insulted by this atrocious invasion of the liberties of the people in the person of his descendant.

I am not speaking merely my own opinion of such arrests. I know the opinions and the feelings of many of my brethren of the bench. And if the Government is desirous of so proceeding as to

make it our duty to make public our opinions, they will be heard, not merely in the writ of habeas corpus, but in open declaration to the world.

Had I been a few hours earlier made aware of this case, I should not have troubled you with a word; but I would have seen that the process of the Supreme Court of this State was so executed as to protect is citizens accused of such offences from arrest, other than under the appropriate process of the court.

I beg again to assure you, in all sincerity, that this kind of proceeding has gone too far already, and, that, while to the last of our men and our means we are ready and determined to sustain the law and the Government in enforcing the law over this whole land as one country, we are also determined to be judged by the law, and not by any Secretary or any one who is not commissioned for that purpose. We know and acknowledge the rules of war, where the necessity of the case requires the existence of martial law. But we know, also, the common law of liberty, and the broad, great charter of the Constitution.

I write warmly, zealously, because I cannot bear to think of our cherished government's taking any course to injure itself; at a time, too, when our only hope of escaping the eternal disgrace and humiliation of letting the cause of human liberty perish in our hands, is to sustain this government of this Union, and to have it a government worth sustaining. With great respect, yours, &c.

GEORGE GOULD.

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